

HARBOR AREA PLANNING PROJECT

State of Washington

by Irene Christy
Intern, The Evergreen State College

October, 1979

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Department of Natural Resources
Public Lands Building
Olympia, Washington 98504

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PREFACE

The Washington State Constitution provides for a method to set aside a small portion of aquatic lands specifically for conveniences of navigation and commerce. These narrow rim areas, called harbor areas, serve as funnelling agents for trade and shipping activities. To determine whether these harbor areas were becoming clogged with uses not conforming to Washington State's constitutionally defined constraints, a review of present uses in harbor areas was made.

This report on salt water harbor areas was prepared for the Washington State Department of Natural Resources on a year-long internship contract while I was a student at The Evergreen State College. The study topic was an outgrowth of a long-standing interest in aquatic land management, fostered by activities in the League of Women Voters. The study as eventually formulated went beyond this original concern and dealt with a broadened review of aquatic land uses in harbor areas.

During the year I have worked on this study project, I have had the help and encouragement of many people. My thanks go especially to: Dr. Peter B. Taylor, Marine Biologist at The Evergreen State College, who serves as my faculty sponsor; Dr. David W. Jamison, Assistant Supervisor of Marine Land Management and Director of the Marine Research and Development Center, Department of Natural Resources, who guided me throughout the project; Dr. Marc Hershman, Associate Professor of Marine Studies and Adjunct Professor of Law, and Dr. Alyn Duxbury, Research Assistant Professor, Institute of Marine Studies, University of Washington, who taught the class in comprehensive planning of estuaries; Frank Hansen, Harbor Area Manager, Department of Natural Resources, who shared his knowledge of harbor area management.

My gratitude also goes to the Honorable Bert L. Cole, Commissioner of Public Lands, and to William A. Johnson, Supervisor of Marine Land Management, Department of Natural Resources, who saw the value of this study and made it possible.

The purpose of this study was to review present uses in harbor areas to see if changes need to be made in Department of Natural Resources policies, in laws relating to harbor areas, or in the constitutional mandate; and to estimate future demand. The information provides a foundation for assessment of available space in existing harbor areas for constitutional uses.

Diagram 1. Harbor Area Illustration

Harbor lines exist only in front of incorporated cities and towns.

INNER HARBOR LINES are located to provide adequate space for piers, wharves, streets, landings and other conveniences of commerce. It was assumed that the area between ordinary high tide and the inner harbor line could or would be decked over or filled in eventually.

OUTER HARBOR LINES are ordinarily located at a sufficient depth to accommodate the maximum draft of anticipated commerce. Between the inner and outer harbor lines is the harbor area which is provided for loading and unloading ships and for other navigational purposes.

First class tidelands are beds and shores of navigable tidal waters, lying within or in front of the corporate limits of any city or within one mile on either side, between the line of ordinary high tide and the inner harbor line, and within two miles of the corporate limits on either side between the line of ordinary high tide and the line of extreme low tide.

Second class tidelands are lands over which the tide ebbs and flows, which are more than two miles outside the corporate limits of any city.

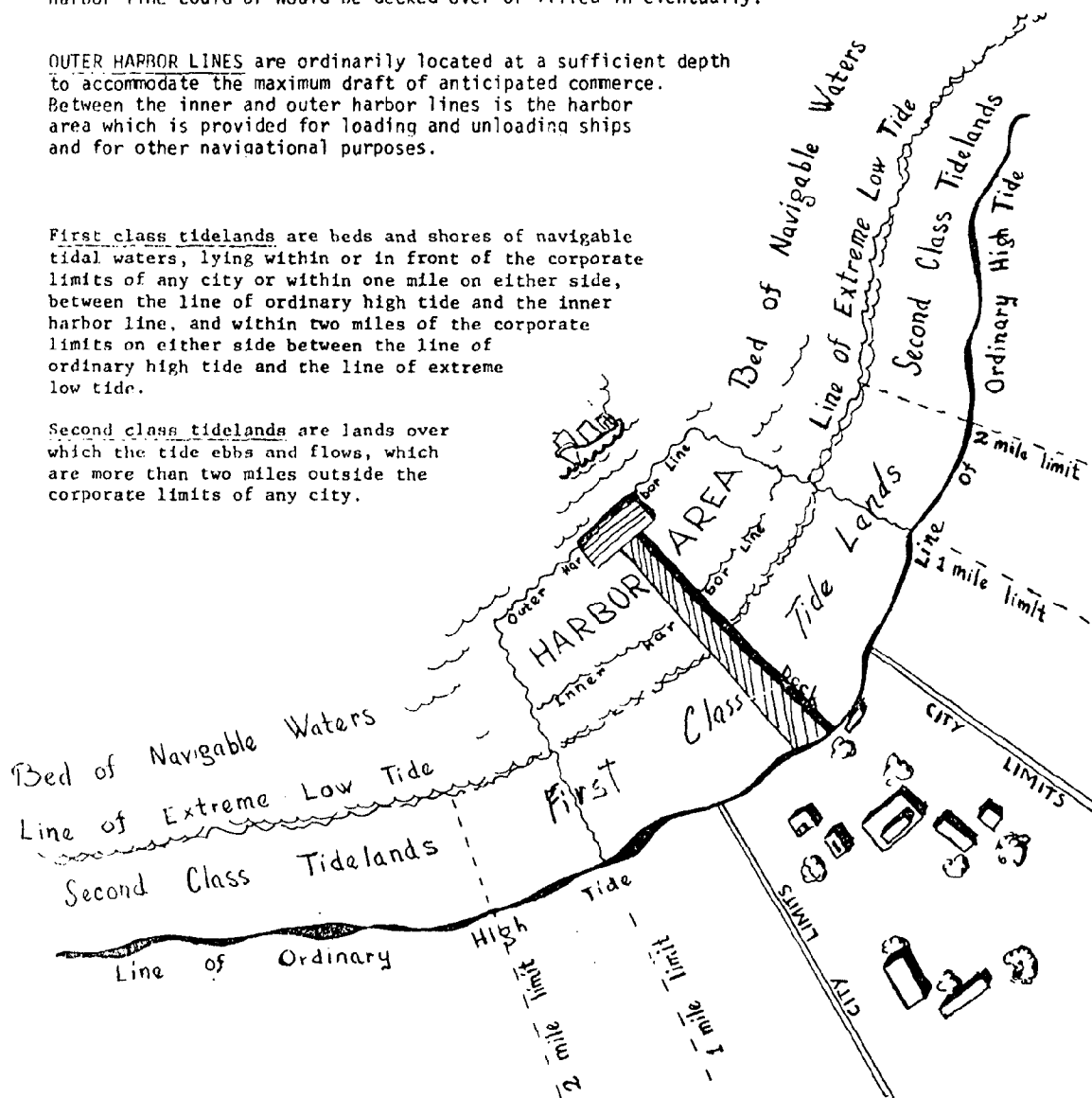


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MATERIALS AND METHODS

Source materials which served as the basis for accomplishing the study are: photographs, files, maps, the approximately 420 leases of harbor area sites, lessees' exhibits illustrating location of improvements on leased sites; local and county comprehensive plans for each area; photographs of harbor areas enlarged to a scale of 1" to 400' and readings on aquatic land management and related topics.

Interviewed on overall harbor area management were Lewis Holcomb, executive director of the Washington Public Ports Association; Tom Hynes, Department of Commerce and Economic Development; Marc Hersman and Alyn Duxbury, professors in Coastal Resource Management programs at the University of Washington; and the staff of the Department of Natural Resources.

Personal visits were made to each harbor area to view current uses and to interview representatives of all public port districts having harbor areas within their jurisdiction to discuss anticipated uses. In addition, most city and county offices were visited to talk to planners or public works directors. Because of a need for more information, the manager of a local Chamber of Commerce was interviewed, and in a few cities, the local marina managers.

The information for each harbor area is given at the end of this report. Individual harbor area reports for each harbor area are divided into six sections: introduction, present uses, physical characteristics, future demands, analysis, and various methods of stating rent by land use classifications.

INTRODUCTION

Article XV of the Washington State Constitution requires the Harbor Line Commission to locate and establish harbor areas where such harbor areas have not heretofore been located and established.¹ The following table lists where harbor areas have been established, when they were established and when changes were made.

<u>Name of city with harbor area</u>	<u>Year harbor area was established</u>	<u>Year changes were made in harbor lines¹</u>
Aberdeen ²	1906	1977 (relocated)
Anacortes	1893	
Bellingham ³	1891	1912, 1971 (additions and relocated)
Blaine	1891	
Bremerton	1911	
Charleston ⁴	1913	
Cosmopolis	1891	
Edmonds	1891	1972 (relocated)
Everett	1913	1913 (relocated), 1978 (revised, eliminated and reestablished)
Gig Harbor	1974	
Hoquiam	1913	1977 (relocated)
Ilwaco	1892	
Kalama	1922	1975 (relocated)
LaConner	1893	
Marysville	1892	
Ocosta	1892	1917 (disestablished)
Olympia	1891	1953, 1976 (relocated), 1978 (relocated, eliminated and reestablished)
Port Angeles	1892	1935 (relocated and extended), 1971 (relocated)
Port Orchard ⁵	1892	1975 (relocated)
Port Townsend	1891	
Poulsbo	1916	1969, 1978 (relocated)
Seattle	1894	1894 (Ballard added), 1927 (extended), 1969, 1976 (relocated)
Shelton	1892	
Snohomish	1892	
Steilacoom	1891	1965 (relocated)
Tacoma	1894 & 1976	1961, 1973 (relocated)
Vancouver ⁷	1892	1944 (extended)

¹This column does not include tideland, street ending or waterway changes unless a harbor line was relocated, too.

²First harbor lines adopted in 1892 were declared invalid.

³Called Fairhaven and New Whatcom when first established.

⁴Now in West Bremerton.

⁵Was called Sidney when harbor area was established.

⁶First harbor lines were adopted in 1890, but were not legal.

⁷Filed in 1893, adopted in 1906.

Table 1. Harbor Area Locations, Dates Established

¹Article XV, Washington State Constitution, see Appendix

The first Harbor Line Commission (1890) was composed of five disinterested people appointed by the Governor. Over the years, changes in the composition of the commission have been made periodically by the legislature. In the 1960's, the Harbor Line Commission was composed of the Commissioner of Public Lands, State Treasurer, Secretary of State, Attorney General, and Superintendent of Public Instruction. Today (1979), the Board of Natural Resources, which acts as the Harbor Line Commission, is composed of the Governor, Superintendent of Public Instruction, Commissioner of Public Lands, Dean of the School of Forestry of the University of Washington, and Director of the School of Agricultural Sciences of Washington State University. There is no one in the aquatic lands or coastal resource management field represented on the Harbor Line Commission.

Harbor areas are established essentially for three purposes: (1) to reserve areas to satisfy the needs of navigation and commerce, (2) to maintain state control of harbor areas, and (3) to limit the seaward extent to which the water column may be encumbered by structures. Laws and policies have been added over the years for direction in management of harbor areas.

The outer harbor line is located by the Harbor Line Commission at the maximum distance seaward that it is desirable to have improvements extend. The inner harbor line is then established a sufficient distance shoreward to provide adequate space for piers, wharves, landings, streets and other conveniences of navigation and commerce. The distance between these two lines is called a harbor area. Harbor area width can vary from 50 to 2000 feet, depending on the depth of the water. This limit is set by the constitution. When establishing a harbor area, the Commission plats or lays out streets dedicated to public use and the Commission establishes one or more public waterways to be reserved for use by watercraft as public access. Not every city situated on navigable waters has a harbor area located there.

There are approximately 155 running miles of harbor area in Washington with approximately 2700 miles of marine shoreline. The Department of Natural Resources manages 1100 miles of the marine shoreline. There are approximately 6700 acres of harbor area and approximately two million acres of beds of navigable waters.² This amounts to about one third of one percent of bedlands designated as harbor areas and set aside specifically for certain uses.

²Washington Marine Atlas, June 1977; statistics on acreage leased in harbor areas, Division of Marine Land Management, Department of Natural Resources.

The establishment and management of harbor areas are complex tasks. There is a lack of public understanding of the purpose for which harbor areas were set aside. Moreover, no visible harbor lines are drawn, except on maps. Certain restrictions are placed on the use of harbor areas. Some harbor lines are located close to shore and others are hundreds of feet off shore. When the inner harbor line is close to shore, conflicts may arise from shoreline management plans and harbor area land use classifications. Conflicting uses are potential problems. When the inner harbor line is too far from shore, then benefits from establishing a harbor area are lost.

A growing interest in management of aquatic lands is illustrated by an article on "Harbor Lines and the Public Trust Doctrine" in a recent issue of the Washington Law Review.³ A 1979 Senate Resolution also reflects this interest and concern. The resolution established a Senate Select Committee on State Aquatic Lands⁴ to review the laws governing management of aquatic lands and the manner in which the Department of Natural Resources has interpreted and administered these laws.

A demand for sites in harbor areas is developing for a number of reasons. Waterfront parks and fishing piers are being established in harbor areas to serve recreational interests. Trade with the Pacific Rim nations is increasing; requirements for handling cargo is changing; and an oil transshipment point is being considered. Expansion of marinas and development of new marinas and support services require more shoreline development.

The bottomfish industry, if fully developed, could generate 10,000 direct jobs and 100,000 direct and indirect jobs resulting from the 200-mile economic zone.⁵ This would have an effect on how much space is needed in harbor areas for moorage of commercial fishing vessels and the piers needed to unload the catch going to fish processing plants.

³ Ralph W. Johnson, Eileen M. Cooney, Harbor Lines and the Public Trust Doctrine in Washington Navigable Waters, Washington Law Review, Volume 54:275, 1979

⁴ Senate Resolution 1979-144

⁵ Tom Hynes, Department of Commerce and Economic Development, in interview, July 16, 1979

A conference on the impact of the 200-mile economic zone on the bottomfish industry⁶ brought out the need for new boats and new methods of processing the fish. Because of this need in Alaska, that state established a \$20 million bond improvement program for development or expansion of harbors. The major trend now in Washington's harbor areas is to be prepared for the new bottomfish industry by expanding present marinas to allow for the larger commercial fishing vessels, such as the Cap Sante Marina in Anacortes, and to find space for the fish processing plants that will be needed. Anacortes, Bellingham, Grays Harbor, Ilwaco, Tacoma and Port Angeles are all planning for the influx of the larger fishing vessels and fish processing plants.⁷

A Smallcraft Harbors Research Advisory Group (SCHRAG)⁸ has inventoried moorage and launch facilities available in Washington and Portland, Oregon. An assessment of the magnitude of the economic impact of the recreational boating industry on Washington State's economy will soon be out. The Northwest Marine Trade Association foresees a large rise in demand for new slips, with more dry land storage for smaller boats. The trend now seems to be to purchase a slip in a marina, somewhat like a condominium, instead of renting a slip for a year or by the month.

Demand for harbor area space may lessen for one commodity.⁹ Logs are presently exported, stored or transferred in harbor areas. Eventually, due to economic reasons and environmental laws, dry land storage will be used to store or warehouse the logs, which will free up some harbor sites for other uses. Grays Harbor, Marysville, Shelton and Port Angeles may be affected by such changes in log storage methods. The export of logs is a major issue in the state. Any changes in the law to limit the exporting of logs would also lessen demand for harbor area space for that commodity.

⁶ Northwest/Alaska 200-Mile Fisheries Impact Conference, Feb. 27-28, 1979, Olympic Hotel, Seattle, sponsored by the Washington State Department of Commerce and Economic Development, U. S. Department of Commerce, Pacific Northwest Regional Commission, and the Washington Public Ports Association.

⁷ See individual harbor area reports

⁸ SCHRAG includes representatives from Sea Grant, U.S. Army Corps of Engineers, Institute of Marine Studies and the School of Forestry at the University of Washington, Northwest Marine Trade Association, Department of Ecology and the Department of Natural Resources.

⁹ Henry Soike, Manager, Port of Grays Harbor, on log storage in Grays Harbor, in interview, April, 1979

A projection of foreign exports¹⁰ from Washington State shows an annual growth rate of 4.5 percent to the year 1985 as illustrated in table 2. Demands for shipping facilities may grow as a result of this anticipated growth in foreign exports.

Industry of Origin	1976	1985	Annual Percentage Growth Rate
Commodities	\$2129	\$3101	4.3
Aerospace	\$1120	\$1810	5.5
Field crops	241	267	1.1
Logging	221	235	0.7
Pulp and paper products	158	210	3.2
Food products	88	119	3.4
Machinery	61	115	7.3
Other agriculture	71	94	3.2
Primary and fabricated metals	56	72	2.8
Wood products	39	63	5.5
Chemicals and petroleum	39	55	3.9
Other commodities	33	61	7.1
Services	\$ 518	\$ 837	5.5
Trade	312	495	5.3
Transportation services	190	320	6.0
Other services	16	22	3.6
Total	\$2647	\$3938	4.5

Table 2. Projections of Foreign Exports from Washington State for 1985 (millions of 1972 dollars)¹¹

¹⁰ Foreign exports refer to the value of goods and services produced in Washington State and sold outside the United States. Currently, one out of every six jobs in Washington State is directly or indirectly related to foreign exports. Only one of 15 Washington jobs was related to foreign demand as recently as 1963.

¹¹ Washington State Department of Commerce and Economic Development, International Trade and the Washington State Economy, The Impact of Foreign Exports, 1963-1985, June, 1978.

Harbor area management is complicated by a piecemeal accumulation of laws and policies. The ability to establish but not abolish harbor areas was granted through the Washington State Constitution in 1889. Riparian rights were established by the Territorial Government. Court decisions state that the aquatic lands were given to the state to be disposed of so riparian rights seem to be cancelled. Streets and waterways were located in each harbor area to be used for public use and public access. Local communities have not always taken advantage of this grant.

Harbor Area Planning Project
August 20, 1979

TABLE 2. RENTAL FEES AND ACREAGE

City	Total Acres	Leased Acres	Rents Paid to DNR - 1978	Average Annual Rent Paid To DNR Per Acre	Rents Charged by DNR - 1978	Average Annual Rent Charged Per Acre
Aberdeen	235	231.14	\$ 31,707.04	\$ 137.26	\$ 37,709.20	\$ 163.14
Anacortes	660	163.24	34,414.14	210.50	40,981.04	252.92
Bellingham	620	159.72	59,186.12	370.56	71,308.00	446.45
Blaine	240	14.98	8,056.00	537.00	10,080.00	672.89
Bremerton	105	27.40	10,011.18	365.35	11,451.18	417.92
Charleston	20	.23	100.00	471.32	100.00	471.32
Cosmopolis	50	.19	- - - -	- - - -	- - - -	- - - -
Edmonds	320	56.28	16,918.76	302.10	22,128.77	393.19
Everett	115	45.87	16,725.00	364.61	24,675.76	537.94
Gig Harbor	30	7.27	4,267.00	586.93	4,267.00	586.93
Hoquiam	415	131.44	18,544.20	141.08	22,804.20	173.49
Ilwaco	195	- - -	- - - -	- - - -	- - - -	- - - -
Kalama	125	39.55	4,001.28	101.17	4,923.60	124.49
LaConner	30	15.86	16,194.49	1,021.00	17,140.05	1,080.70
Marysville	10	8.15	1,789.00	219.50	1,789.00	219.50
Olympia	320	148.00	57,898.94	391.20	65,493.40	442.52
Port Angeles	1,460	492.72	150,071.99	304.50	163,523.44	381.58
Port Orchard	200	35.15	20,485.14	583.00	22,927.50	652.27
Port Townsend	390	123.02	18,355.76	149.21	19,266.80	156.61
Poulsbo	70	18.36	2,117.00	115.30	3,065.00	166.94
Seattle	950	177.04	382,123.16	2,158.00	490,879.67	2,772.70
Shelton	80	42.74	6,787.30	158.80	8,233.30	192.63
Snohomish	20	.23	63.00	273.00	63.00	273.00
Steilacoom	235	15.65	3,124.70	199.66	3,124.70	195.29
Tacoma	560	166.00	69,890.38	421.00	71,440.27	430.36
Vancouver	85	43.70	13,333.64	305.00	26,586.00	608.37
Totals	7,540	2,163.93	\$946,165.22	\$411.96	\$1,143,960.88	\$ 492.21

Note: Salt Water Harbor Areas Only.

¹ Difference in figures reflects money retained by ports for Harbor Improvement Funds.

Approximate Acreage to be added
due to relocation of harbor lines

Aberdeen	15 acres
Everett	45 acres
Hoquiam	5 acres
Olympia	40 acres
Poulsbo	15 acres

HARBOR AREA MANAGEMENT

Harbor Areas

Only three of the salt water harbor areas in the State of Washington were established after 1922. The three harbor areas were established to provide space for marinas and commercial fishing vessels in Gig Harbor in 1974 and in City Waterway in Tacoma in 1976.

The policies adopted by the Harbor Line Commission in 1972 restrict the establishment of deep draft harbor areas. Certain conditions need to be met before a harbor area can be established: a national need must be shown, a request comes in from the local community, usable space in present harbor areas is filled, and a need is demonstrated for a harbor area. These criteria may be changed if a study of national need for space in Washington is completed and a statewide harbor development plan is made.

Harbor lines can be changed only for the reasons that harbor areas are originally established.

Harbor areas have been relocated or extended in about half of the harbor areas; namely, Bellingham, Port Angeles, Olympia, Steilacoom, Tacoma, Seattle, Vancouver, Poulsbo, Port Orchard, Edmonds, Everett, Hoquiam, Aberdeen, and Kalama. Harbor areas can be eliminated and reestablished elsewhere in the same harbor area. That has happened in Everett and Olympia. Once established, there is no method in which to vacate harbor areas, even though it is impossible to use some portions for the purpose for which they were established. One exception is Ocosta, where the city was disincorporated. This harbor area designation was vacated. Statutory laws address exchanges of land in tide and shorelands but not exchanges of land in the harbor area designation.

Seventy three percent of the total land in the harbor area designation is unused. This would lead to the conclusion that most harbor areas have space left when in fact many of these areas are impractical for such use. Residential or park use or geographic features may render the areas unsuitable for navigation or commerce. Vacation of these areas would keep development out of the beds of navigable waters, if that is what the local community desires, when the area is unusable for conveniences of navigation and commerce. A precedent was set in Tacoma to not establish harbor area where not desired by the community when harbor areas were established in small sections along City Waterway. It appears that the City of Tacoma is now contemplating requesting more harbor area space along the waterway.

A Use and Occupancy fee is charged when improvements are built out past the outer harbor line, when built into a waterway, or when placed on publicly owned aquatic lands without authorization.

In some cases, such as where structures have been built past the outer harbor line at Vancouver and LaConner, fees have not been paid. Even when fees are paid, charging and collecting such use and occupancy fees indefinitely may appear to be sanctioning an unauthorized use. Both Vancouver and LaConner are taking corrective action. Vancouver will request an outer harbor line relocation from the Harbor Line Commission soon. LaConner is planning to have a seawall built to protect the historic buildings along the waterfront. When a decision is made on where the seawall is to be located, a decision can then be made on whether or not it will be necessary to relocate the outer harbor line.¹²

Cosmopolis and Snohomish make little or no use of the harbor area and could be considered for vacation of harbor lines if this were possible. The City of Blaine has only one section of harbor area leased. The shallowness of Drayton Harbor, where Blaine is located, might call for vacating most of the harbor area. Ilwaco presently has no leases in the harbor area. Their plans call for extending the marina complex into the harbor area so portions of it will be used. The Charleston harbor area should be placed in the Bremerton harbor area map now because Charleston has been annexed to Bremerton. Charleston, Cosmopolis and Snohomish each have less than one quarter of one acre of harbor area leased.

Acreage varies in the harbor areas. Port Angeles has the most, amounting to 1,460 acres, with approximately one third of the acreage leased. Marysville has the smallest amount with 10 acres, of which 8.15 acres are leased. The Marysville harbor area located in front of the Tulalip Indian Reservation is not included in these figures because it is not leased by the state.¹³ The harbor area with the most leased space is Aberdeen, with 231.14 acres leased out of a total of 235 acres in the harbor area designation. This is primarily because of log storage.¹⁴

Rates differ because lessees pay different percentage rates on the value of the leased sites. For instance, all leases now written carry a 7.6 percent rate on value as the economic, or fair market value, rent to be charged. Earlier leases were based on a rate varying over the years from 2 percent to 6 percent of the true and fair value of the land. A lease applicant may appeal a Department of Natural Resources' decision on valuation, not to the Washington State Board of Tax Appeals, but

¹²See individual harbor area reports

¹³See individual harbor area report

¹⁴See individual harbor area report

to a board comprised of local elected officials. When interviewing port personnel, several changes in rental rates were proposed: free rent for a public use such as fishing piers and marinas, grant lower rent when public access is available on a portion of a site leased for another purpose, rent could be a percentage of either net or gross income of lessee, and higher rents should be charged for non-constitutional uses such as hotels, restaurants and shops.

The constitution limits harbor area leases to a term of 30 years. Several lessees have stated this is too short a period of time. The constitution also limits the seaward extent of structures to 2000 feet of harbor area plus the tidelands at the site. Leases for beds of navigable waters do not limit the length of structures out into the waters. Lease terms for bed leases are limited to 30 years with the exception of log booming leases, which can be no longer than 10 years. Log booming leases can be granted for longer periods of time within harbor areas.¹⁵ Harbor areas, located on the beds of navigable waters, have been available for lease, but not for sale, since statehood. In 1953, a law was passed granting authority to the Department of Natural Resources to lease the beds of navigable waters. Owners of structures had built in the beds without authorization and did not pay rent for using the aquatic lands, prior to this 1953 law. Custom seemed to continue the practice of riparian rights. An example of bed leases being used in lieu of harbor area leases is in the City of Longview.

Without a harbor area designation, the city and public port district manage a waterfront that fulfills the demand of navigation and commerce. This city waterfront is in a highly industrialized area.

An example of a site that could be designated a harbor area is where the pier is proposed for the log and wood products facility at the City of DuPont. The new longer pier is to be built on privately-owned tidelands and on state-managed bedlands. The Department of Natural Resources may grant a bed lease for this property. On the other hand, a request could be placed before the Harbor Line Commission to consider establishing a harbor area.

¹⁵See Table 4, Harbor Area Log Booming Lease Information

A number of old rotting piers may constitute improvements (structures) that belong to the state. These old pilings and piers present problems. A study is being done now at the University of Washington.¹⁶ The study should give direction toward the solution of the problem of when the state asserts ownership of improvements. Improvements in bed leases belong to the lessee.¹⁷ The Washington State Supreme Court in the Edgewater Inn case,¹⁸ decided that improvements in harbor areas belong to the state. This was reaffirmed in 1978 in *Pier 67, Inc. v. King County*, as follows:

"Plaintiff corporation leased the Seattle harbor land in question from the State of Washington for a period of 30 years. It improved the existing pier by building on it a motel hotel known as the Edgewater Inn. The hotel is permanent in nature and any attempt to remove it would result in its destruction. The buildings permanently erected became a part of the realty. The state owns both the fee and the improvements, subject to plaintiff's contractual right of user." To date, no improvements have been turned over to the state and the time for such action is not delineated because the legislature did not specifically address the issue of ownership of structures built in harbor areas.

Present waterfront sites continue to be developed for conveniences of navigation and commerce. Leases for beds of navigable waters, not the traditional harbor area leases, have been used in cities not having harbor areas, such as Westport, Longview, Pasco and Friday Harbor, and sites outside cities such as March Point, near Anacortes, and Cherry Point, near Bellingham. These examples illustrate that piers, wharves, and other structures are built wherever deemed desirable, and are not restricted to harbor areas.

Land Use and Allocation

Harbor areas are a small but very important part of the aquatic lands. Harbor lines are not only property lines. A harbor area designation denotes a management activity.

¹⁶Urban Waterfront Enhancement Through The Reuse of Obsolete Port Facilities, by Marc J. Hershman and Claudio Arenas, project investigators.

¹⁷RCW 79.16.540

¹⁸*Pier 67, Inc. v. King County*, (71 Wn. 2d 92, 426 P.2d 610 (1967))

¹⁹*Pier 67, Inc. v. King County*, (78 Wn. 2d, 48, 49; 469 P.2d 902)

The Department of Natural Resources is responsible for all salt water harbor areas and public port districts are responsible for all fresh water harbor areas. Planning for harbor areas is done at the local level, through the Shoreline Management Act and the comprehensive land use plan required of the public port districts. Through the leasing program and a land use classification system, the Department of Natural Resources has the final approval on what structures are placed in harbor areas and what the use may be.

The Department of Natural Resources established a land use classification system for managing harbor areas in 1972. The current system consists of:

Water Dependent uses, which include transportation services, terminal facilities, ferries, marinas and tug and barge companies;

Water Oriented uses, which require water transport, usually of raw materials, such as pulp from paper mills, fish processing and petroleum;

Other water dependent and water oriented uses; which are aquariums, parks, beaches, restaurants, resorts;

All Other Uses; which clearly do not conform to uses which require waterfront, such as apartment houses, taverns, private residences.

A fifth category of use is called "Withdrawn", or "Reserved from use." This does not refer to unused harbor area, but to areas specifically set aside for non-use.

A different system of land use classification is proposed in this study. It is similar but has a different emphasis than the system presently in use.

Water Dependent-Primary uses, which include terminal and shipping facilities, tug and barge companies.

Water Dependent-Secondary, which include marine construction and marinas.

Water Oriented, Public Uses, to provide access to the public in highly used areas, waterfront parks, aquariums, public beaches.

Water Oriented, Industrial, uses such as mills, log booming and rafting, warehousing for short term purposes.

All Other Uses; which do not require waterfront but are enhanced by location on the water, such as restaurants, hotels, office buildings, retail sales outlets.

A Withdrawn category could be used with this system.

Slightly less than one percent of the total harbor area is leased for restaurants, office buildings, hotels and other non-constitutional uses. Three percent of the leased harbor area is in non-constitutional, or interim, uses, with 10 percent of harbor area income derived from this use.

Approximately four percent of leased harbor area is in public use with five percent of the income collected from such public use. Parks, fishing piers, and transient moorage are considered public use. Slightly more than one percent of the total harbor area is now in public use, almost all of it in waterfront parks.

The Harbor Line Commission recently established an additional land use classification called "Commercial Waterfront,"²⁰ to be used with the present system. It would take in some of the present classifications: (3) Other water dependent and water oriented uses and (4) All other uses. The Commercial Waterfront classification is similar to that recommended by Noel Curtis Welch in his paper "Harbor Area Use Controversy, Fishing Pier Case Study."²¹ Welch recommended the classification "Recreation Waterfront" be used for recreational uses in harbor areas. This introduces the possibility of new land use classifications to be used in aquatic land management, such as Industrial Waterfront, Residential Waterfront, as well as Commercial and Recreation Waterfront.

²⁰This new classification is now being challenged in court.

²¹Noel Curtis Welch, Harbor Area Use Controversy, Fishing Pier Case Study, University of Washington, 1979

Harbor Area Planning Project
by Irene Christy
1979-1980

Abstract

The ability to create harbor areas in Washington State was granted by the State Constitution. Harbor areas are established by the Harbor Line Commission in front of cities located on the water and include areas one mile on either or both sides of the cities.

Harbor areas serve a beneficial use in the structure of our society. Limiting certain uses to specific areas preserves some shorelines from heavy development and contains such development in specific areas where transportation centers are located and where a number of people live who might be available for working in those industries sited in harbor areas.

Since the Constitution was written, many laws have been passed regarding management of harbor areas, tidelands and shorelands. Some of these laws have eroded or negated the need for continued establishment of harbor areas. Use of harbor areas should be reemphasized for shipping and water dependent industries. Laws that make it beneficial to place industries and piers outside of harbor areas need to be repealed.

The following study details uses in the state's harbor areas and lists laws that defeat the purpose of harbor areas. Conclusions and recommendations are made at the end of the study.

3120 Hawthorne Place
Olympia, WA 98501
May 10, 1980

Eileen Mulaney, Regional Manager
Coastal Zone Management
3300 Whitehaven Street, N. W.
Washington, D. C. 20235

Re: Harbor Areas in Washington State

Dear Ms. Mulvaney:

In March 1979 you were in Washington State reviewing coastal zone management planning being done. I attended several meetings you and your staff held. After the meetings, I sent you a copy of the 1972 study on harbor areas prepared by the Washington State Dept. of Ecology, Attorney General, and the Harbor Line Commission. I also told you about a project I was working on, one of harbor area planning in Washington State, and you asked that a copy be sent to you when the study was completed.

The project has been completed with information given on each harbor area in Washington plus conclusions reached and recommendations given for future use of harbor areas. A copy of the study is enclosed as requested. Your interest in this project is appreciated.

I would like to discuss with you possible opportunities of a professional nature in the field of coastal resource management. As soon as I return from South America the last part of May, I will try to phone you in the morning.

Sincerely,

Irene Christy
(206) 357-4684 (telephone)

Following is a table listing the acres in harbor area that are leased, listed by both the present and proposed classifications, followed by a listing of the present and proposed classifications by income. Similar information on individual harbor areas is given in the Appendix.

Table 3. TOTAL NUMBER OF ACRES LEASED
listed by present and proposed classifications

<u>Classifications</u>	<u>Present</u>	<u>Proposed</u>
Water Dependent	1,092.43	
Water Dependent-Primary		796.47
Water Dependent-Secondary		297.04
Water Oriented	556.43	
Water Oriented-Public		86.09
Water Oriented-Industrial		974.68
Other Water Dependent or Water Oriented	456.90	
All Other Uses	116.82	
All Other Uses		68.30
Total Acres Leased	<u>2,222.58</u>	<u>2,222.58</u>

Table 4. INCOME COLLECTED BY DNR
listed by present and proposed classifications

<u>Classifications</u>	<u>Present</u>	<u>Proposed</u>
Water Dependent	\$498,575	
Water Dependent-Primary		\$299,336
Water Dependent-Secondary		200,509
Water Oriented	149,385	
Water Oriented-Public		51,669
Water Oriented-Industrial		292,683
Other Water Dependent or Water Oriented Uses	213,347	
All Other Uses	83,844	
All Other Uses		101,945
Total Income	<u>\$946,151</u>	<u>\$946,142</u>

Disbursement of aquatic land revenue is given in Diagram 2. A portion of the rents received from first and second class tidelands, when located within a public port district, and from harbor areas are allocated to the local community for harbor improvements.

The Shoreline Management Act emphasizes coordinated planning for the shoreline. In the Urban Environment classification of local master plans, where harbor areas are generally located, emphasis is given to development within an already developed area, particularly to water dependent industrial and commercial uses requiring frontage on navigable waters. Some local master plan zones go out to the inner harbor line, in others to the outer harbor line, and some plans include the whole water area fronting the city.

Priority is also given in local master plans to planning for public visual and physical access to the water in an urban environment. The Shoreline Management Act recommends that port facilities be designed to permit viewing of harbor areas from viewpoints, waterfront restaurants and similar public facilities, which would not interfere with port operations or endanger public health and safety. Exemptions are given, though, to this requirement. For example, the City of Seattle wanted public access to the Port of Seattle's new container terminal. Instead, the port agreed to build a public observation tower on a pier adjacent to the site.²²

Only 27 percent of the total land in the harbor area designation is leased, with 97 percent of that land leased used for conveniences of navigation and commerce. Interim uses comprise the other 3 percent, usually with non-renewable leases or with leases granted for short periods of time with the area being vacated when needed for a constitutional use. On the other hand, piers, wharves and landings can be built outside of harbor areas with fewer restrictions. The lessee can build further out into the water outside of harbor areas. Ownership of structures built on leased bed-land is retained by the lessee, but ownership of structures in the harbor area goes to the state. No preference right is granted to a lessee of a harbor area site but a preference right to lease adjoining lands is granted to an upland or a tideland owner.

Limited waterfront and foreseen development make long range comprehensive planning more important now. Washington State is growing and so is the demand for use of aquatic lands.

²²Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehuda Hayuth, Under New Management, Port Growth and Emerging Coastal Management Programs, A Washington Sea Grant Program, 1978

Public Use and Public Access

When harbor areas were first established, provision was made to locate street endings and waterways in harbor areas. The intent was to allow the public to have access to the waterfront as well as to allow certain public uses. Public places have been included in some harbor areas, also.

Waterways or portions of waterways have been vacated at Anacortes, Bremerton, Ilwaco, Port Angeles, Port Orchard, Poulsbo, Seattle, Tacoma and Olympia when they were no longer needed for public access.

One question of public use arises from the public port districts' interpretation of their role under Washington state law. Ports provide a service to commercial enterprises and thereby stimulate the economy of the state. Ports believe they should be given virtually rent-free use of harbor area sites because they are public agencies. They believe a harbor area would have little value unless the ports developed the areas.

The public port districts would like to see rents lowered for public marinas, which provide a service to the public by providing space to moor boats. Marinas are not a money-raising commercial operation; they are a break-even service provided by public port districts. This is true, too, of some of the state harbor area leases which the ports sublet to commercial operations for the same rent the ports are charged. Some public marinas set aside sections of piers to rent to commercial interests or private yacht clubs and hence are not a public use on a first-come, first-served basis. Edmonds marina is an example. No distinction is made in rent on these marina leases.

Private and county ferry landing lessees pay rent while some of the state ferry leases are rent-free. The Department of Transportation pays for a permanent right-of-way for a ferry terminal. It does not pay for an easement when the site reverts to the state when the site is no longer needed and when such areas are or have been approved by the Harbor Line Commission as public places for public landings, wharves or other public conveniences of commerce and navigation.²³

In Hoquiam a railroad company has challenged, by a court suit, the need for railroads to pay rent for a right-of-way on state land, as they believe they are exempt under state law.

²³See Graph 3 - Ferry Landings, Rental Fees

Definitions of public use and public access may be needed. A distinction between use for a public purpose and use by a commercial enterprise that is open to the public, such as a restaurant, may need to be made.

A new trend in public use of harbor areas is the establishment of fishing piers and artificial reefs for recreational use. A 19-acre underwater park with an artificial reef was established north of the ferry terminal at Edmonds. This underwater park is considered the most popular in Central Puget Sound, according to the Department of Fisheries.²⁴ The inner harbor line was relocated to permit the underwater park to be established in first class tidelands. A lease of 20 years was signed at the direction of the Harbor Line Commission, at an annual rental rate of \$10 per year.

A fishing pier and artificial reef was also established at Edmonds in the harbor area seaward of the public marina breakwater. The artificial reef is located north of the fishing pier to encourage the propagation of fish in a portion of vacated waterway. The vacated waterway, retained by the state, was leased to the Department of Fisheries at no charge. The adjoining fishing pier in the harbor area is leased to the Department of Fisheries for 30 years at 1 percent of the value of the property, which amounts to \$220 annually.

A fishing pier and underwater reef were located in Seattle in front of the Myrtle Edwards Park near the grain elevator. This 5.084-acre site is leased to the Port of Seattle for 30 years at 6 percent of the value of the property, amounting to \$4,500 annually.

A law recently passed²⁵ encourages public use and public access in harbor areas by reducing the rent charged for the value of the leased site to the extent to which the lessees encourage public access to and use of the leased property and any improvements thereon. This law adds a new dimension to the constitutional demand for setting aside streets and waterways for public use and public access in harbor areas.

²⁴Letter dated February 17, 1979 from Department of Fisheries to the Department of Natural Resources

²⁵SSB 2284

CONCLUSIONS

The data gathered in this study of harbor areas have shown:

1. There will be an increase in demand for development in the tidelands and in deeper waters, whether harbor areas or beds of navigable waters.
2. A review of potential locations is needed to enable the establishment of new harbor areas.
3. There are large amounts of harbor area not used or leased. Methods are needed to vacate harbor areas or portions of harbor areas because the locations are unusable for constitutional uses.
4. Harbor areas are being used for constitutional uses. Improvements for similar uses are constructed in beds of navigable waters with few restrictions placed on the lessee. Lessees of harbor area sites should not be penalized for locating within harbor areas.
5. The use of harbor areas should be encouraged by not allowing new leases for beds of navigable waters. Rental income from harbor area leases and bed leases should be allocated to the same accounts, with a state-level Harbor Improvement Fund established for disbursing grants to encourage development in harbor areas.

RECOMMENDATIONS

Locate and establish new harbor areas throughout the state, as needed. (Article XV, State Constitution)

Provide methods to vacate harbor areas or portions of harbor areas. (state law)

Relocate harbor lines as needed, e.g., Vancouver, Seattle, and LaConner. (Article XV, State Constitution)

Change composition of Harbor Line Commission to include a director of marine studies at a state college or university, a member of the public with a knowledge of aquatic land management, and/or the director of the Department of Ecology. (RCW 79.01.044)

Repeal the 1953 law granting authority to lease beds of navigable waters for many uses which duplicate constitutional harbor area uses. (RCW 79.16.540) This would restrict development of piers and shipping terminals to harbor areas.

Establish a state-level Harbor Improvement Fund which will provide seed money and/or matching funds to encourage the placing of publicly owned and operated piers, wharves and shipping terminals in harbor areas. (RCW 79.16.180)

Change allocation of bed lease rents and harbor area rents from East Capitol Campus site and local harbor improvement funds to proposed state-level Harbor Improvement Fund, deducting management cost to be allocated to the Resource Management Cost Account for DNR management. (RCW 79.24.580)

Collect the full rent charged for leases. (RCW 79.01.508)

Establish periodically a percentage rate of true and fair value to be charged on harbor area leases. (RCW 79.01.504)

Establish criteria for charging rental fees when charging for only a portion of a harbor area site. (RCW 79.01.504)

Establish criteria on when public agencies pay rent or do not pay rent. (RCW 79.08.1072)

Repeal the 1881 Washington Territory Law on riparian rights.
(RCW 88.24.010)

Request the Washington State Board of Tax Appeals to hear appeals on valuations established in harbor areas. (RCW 79.01.520)

Use street endings and waterways in harbor areas for public use and public access. (RCW 79.01.432)

Define and establish criteria for public use and public access. (DNR policy)

Retain all vacated waterways to the state with the exception of street endings in the vacated area. (RCW 79.01.472)

Set aside a portion of management funds for costs of removing old pilings, and structures no longer considered safe, where the Department of Natural Resources has asserted ownership to the improvements.

Use the same lease documents for all harbor area leases. (RCW 79.01.508) Now public port district leases vary from the standard harbor area lease.

Retain 30 year lease term limit. (Article XV, State Constitution)

Put management of fresh water harbor areas under Department of Natural Resources management. (RCW 53.32.010)

Change designation of a single harbor line, when it is used as a construction limit line, to construction limit line to avoid confusion. (Lake Whatcom is an example)

Redefine the use classifications, using the proposed classifications for DNR policies and on work sheets such as the data processing print-outs for the sake of consistency. (policy)

Integrate upland, tideland and harbor area use classifications. (policy)

GLOSSARY

Bed Lease Income. Bed lease income is allocated in a different manner than harbor area income. Bed lease income is divided one half for management costs and one half for the east capitol campus site in Olympia. (See Diagram 2)

Commercial Waterfront. This harbor area management classification is to accommodate the needs and objectives of a local community for uses not related to navigation and commerce on urban waterfronts which presently need not be reserved to serve statewide navigation and commerce purposes. Maximum term is 30 years but contains provisions limiting renewal.

Harbor Area Income. Income from harbor area leases is divided three ways: one portion for management (20 percent), a second portion for harbor improvements (either 20 or 80 percent), and a third portion (60 percent when applicable) to the Capitol Purchase and Development Account, to be used for purchasing, improving and managing the buildings on the east capitol campus site in Olympia. (See Diagram 2)

Harbor Areas. Beds of navigable waters were granted to the state by the federal government at the time of statehood in 1889. The State Constitution set aside a portion of the beds as harbor areas, to be used specifically for landings, wharves, streets and other conveniences of navigation and commerce. The Washington State Department of Natural Resources manages the salt water harbor areas and the public port districts manage the fresh water harbor areas.

Harbor Line Commission. The State Constitution assigns to the Harbor Line Commission "the duty to locate and establish harbor areas in navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side." The Harbor Line Commission may change, relocate and reestablish existing harbor lines at the direction of the legislature. The legislature has authorized the commission to relocate any inner harbor line if it was erroneously established. Staff functions for the commission are provided by personnel of the Division of Marine Land Management, Department of Natural Resources.

Improvements. Any structure built or placed in the harbor area. This includes fill or sunken materials. Improvements built on leased harbor area sites belong to the state. Improvements built on leased bedlands do not revert to the state but ownership stays with the lessee. (RCW 79.16.540) If a lessee wants to extend a harbor area lease because of construction or extension of improvements, a new lease may be written for up to 30 years. The department has 90 days to respond with new terms and conditions and the lessee has 90 days to decide to accept the proposed lease. Time limits are not set for acceptance of new leases. On a re-lease, the applicant has 60 days to accept the terms of the re-lease, with an extension of 90 days possible. If the applicant does not accept the proposed terms, or if he decides to withdraw his application, the application is considered rejected. (RCW 79.01.524) The legislature was authorized by the State Constitution to provide for the building and maintenance of wharves, piers and other structures in the harbor area or they could provide for the leasing of the right to build such structures in the harbor areas.

Lease Terms. The constitutional limit on length of leases for sites in harbor areas is for 30 years. Extension of this limit has been considered, but no action taken by the Harbor Line Commission. An amendment to the constitution would be needed for an extension of lease terms.

Leasehold Tax. Publicly owned property is exempt from a property tax unless it is leased to a private party or corporation. There had been no attempt to put a tax on the leasehold interest of harbor areas prior to the 1970 Edgewater Inn case. This was because previous Washington State Supreme Court decisions stated that rents were to be deducted from the value of the property for taxing purposes, which in most cases resulted in zero value. A value was put on the harbor area leasehold interest of the Edgewater Inn and the full value of the property was taxed, including the leasehold interest. This taxing method was challenged in court. The Washington State Supreme Court ruled that the full value of the lease was subject to taxation. Subsequently, the legislature enacted a 12 percent leasehold tax to be collected on the economic rents placed on publicly owned land. The Department of Natural Resources collects the leasehold tax annually on many harbor area leases (and on many other leases of state land.) The tax monies are transferred to the Department of Revenue for distribution to local governments on a percentage formula in lieu of property taxes.

Preference Rights. The upland owner has preference rights to lease the tide and shorelands. (RCW 79.01.448) There is also a preference right to lease bedlands for the abutting tide or shoreland owner. (RCW 79.16.530) No preference rights are created or renewed in harbor area leases. The Commissioner of Public Lands has the authority to grant or reject an application to lease as the public interest may require. In every lease granted for harbor area, a provision reserves to the state, public port district, county, city or other public agency the right to assume such lease upon acquiring the abutting tidelands without any value for the lease except for the improvements. (RCW 79.01.504)

Public Use and Public Access. Provision was made to locate street endings and waterways in harbor areas when harbor areas first established to provide public use and public access to the waterfront.

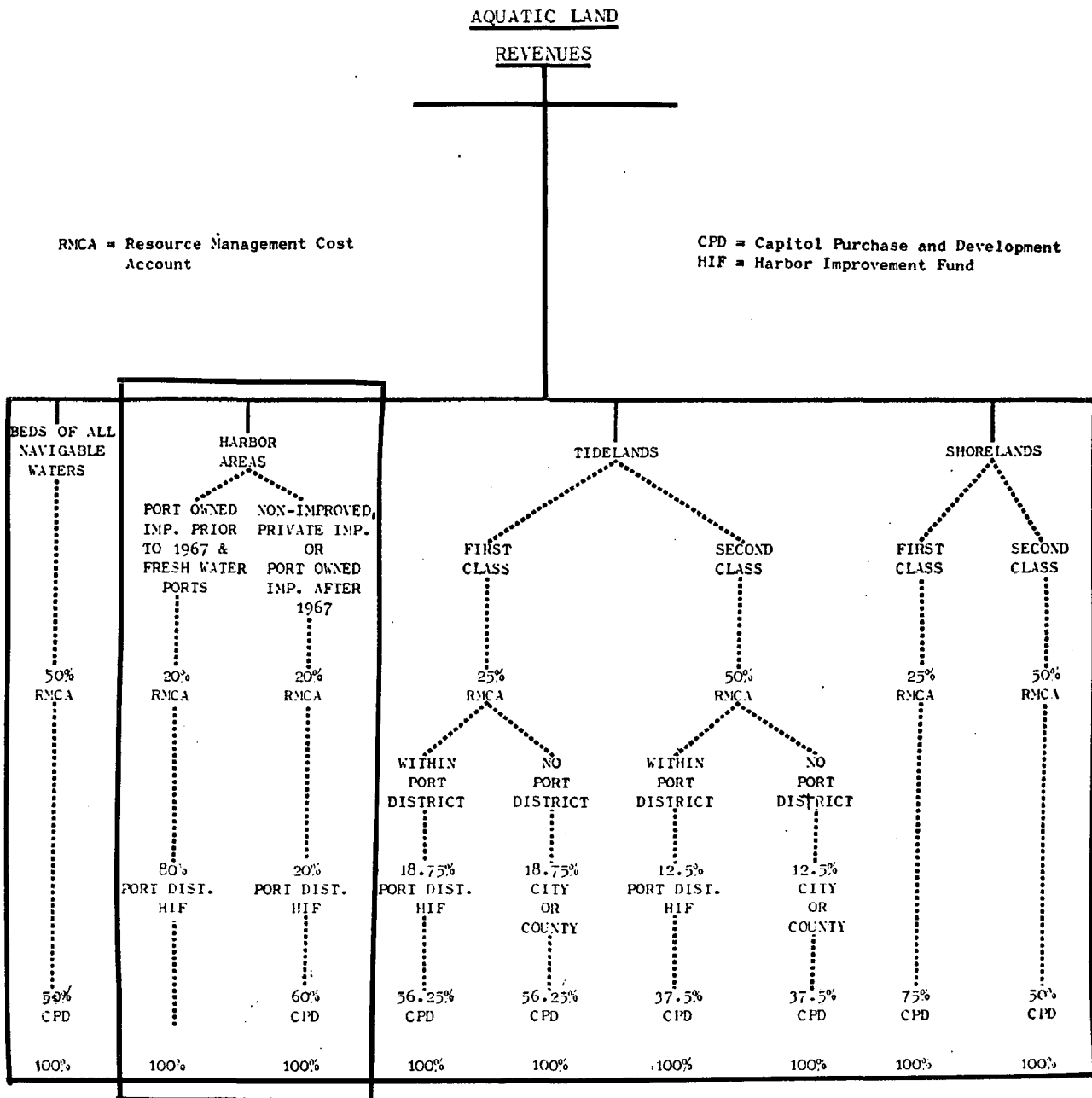
Riparian Rights. The Territorial Government of Washington granted riparian rights of wharfage to persons owning land adjoining any navigable water or watercourse, and the right to extend the wharves into the bed as far as required for convenience of navigation and shipping. (RCW 88.24.010) At the time of statehood, the State Constitution asserted ownership to the beds and tide and shorelands. The United States Supreme Court reiterated that the state obtained full title and rights to dispose of tide and shorelands and the beds of navigable waters as they saw fit. (Eisenbach v. Hatfield, 2 Wash. 236, 26 P. 539 (1981))

Unauthorized Use. A Use and Occupancy fee is charged under certain conditions: when improvements are built out past the outer harbor line, when built into a waterway, or when the structures are placed on publicly owned aquatic lands without authorization. This fee is levied when such use is brought to the attention of the Department of Natural Resources.

Vacations. The legislature calls for at least one waterway to be established (RCW 79.01.428) when harbor areas are established. Waterways may be vacated when no longer needed to be left open and navigable for watercraft. When waterways are vacated, cities may select parcels of land for street purposes. Vacated waterways, with the exception of street endings, are deeded to public port districts. If there is no public port district in the harbor area where the waterway is located, title vests in the state. (RCW 79.01.472)

Valuation Board. The value of a harbor area lease is based on the true and fair value of the land. If a lease applicant is dissatisfied with the valuation established by the department, the applicant may appeal to a valuation board consisting of the county commissioners, county treasurer, and county assessor in the county in which the site is located. (RCW 79.01.520)

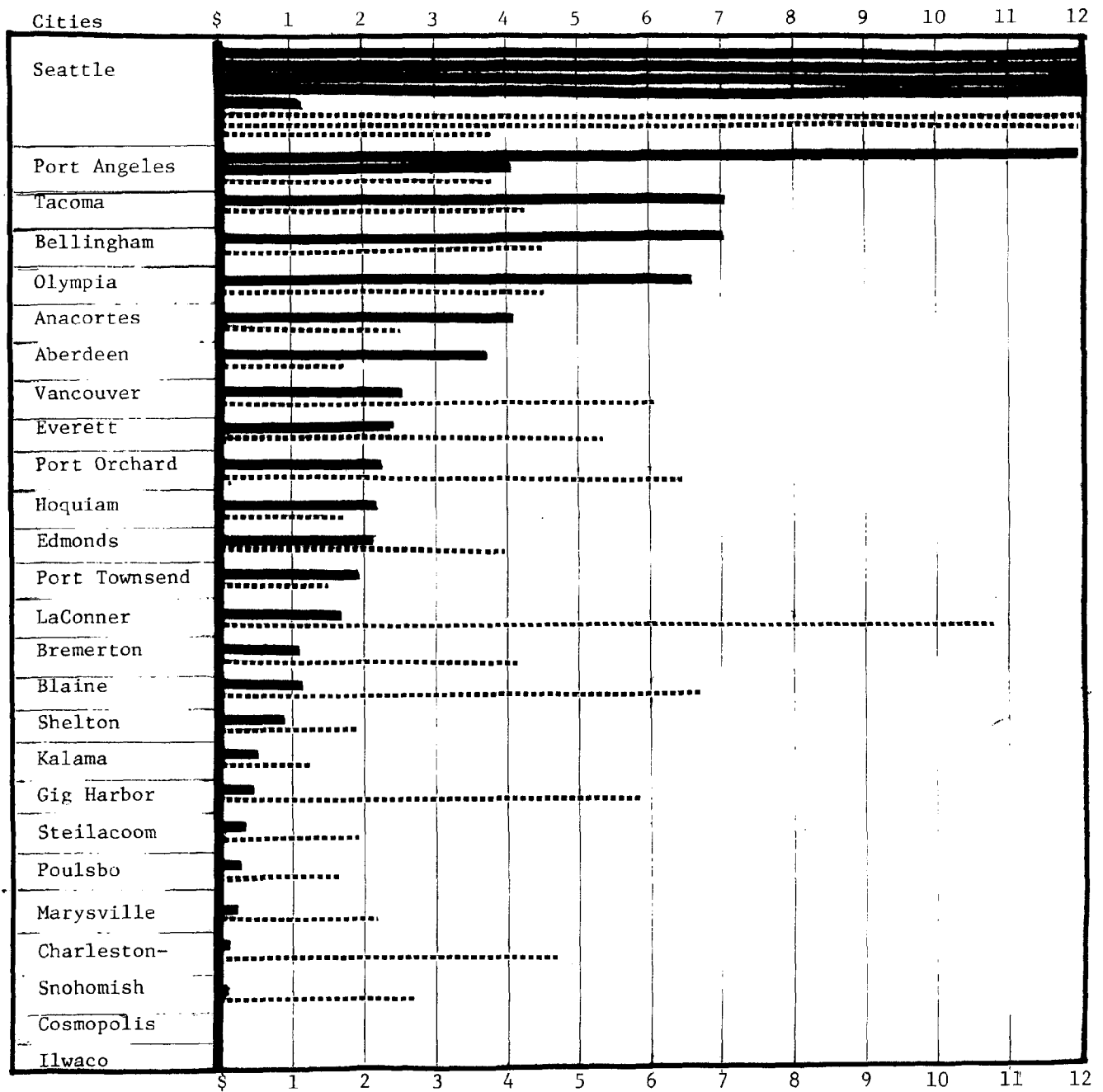
Diagram 2. Disbursement of



8/8/78

Harbor Area Planning Project
August 20, 1979

Graph 1. Income*
by Harbor Area and Rent Per Acre



* Rent received plus share of rent retained by public port districts,
to give a true picture of income.

Total Rent (\$ x 10,000)

Rent per Acre (\$ x 100)

Irene Christy
August 17, 1979

Table 7. INCOME COLLECTED BY DNR, LISTED BY
LAND USE CLASSIFICATIONS - PRESENT AND PROPOSED

for
The Harbor Area Planning Project

Present Use	Water Dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All Other Uses		Total
Aberdeen	\$ <u>5,979</u> 5,519	 460	\$ <u>24,416</u> 592	 24,561	\$ <u>1,161</u> 374	 150	\$ <u>31,706</u> 31,706
Anacortes	<u>28,722</u> 21,951	 6,770	<u>5,662</u> 5,692	 5,692	<u>30</u> 	 	<u>34,414</u> 34,413
Bellingham	<u>23,645</u> 5,551	 18,678	<u>15,076</u> 1,560	 32,255	<u>2,192</u> 1,140	<u>18,272</u> 	<u>59,185</u> 59,184
Bremerton	<u>9,579</u> 4,183	 4,908	 216	 156	<u>372</u> 546	<u>60</u> 	<u>10,011</u> 10,009
Blaine	<u>8,056</u> 8,056	 	 	 	 	 	<u>8,056</u> 8,056
Charleston	 	 	 	 100	<u>100</u> 	 	<u>100</u> 100
Cosmopolis	No income from leases in harbor area						
Edmonds	<u>16,578</u> 13,706	 3,212	 	 	<u>340</u> 	 	<u>16,918</u> 16,918
Everett	<u>14,554</u> 14,554	 	<u>2,145</u> 2,145	 	 25	<u>25</u> 	<u>16,724</u> 16,724
Gig Harbor	<u>3,560</u> 417	 3,560	<u>417</u> 290	 	<u>290</u> 	 	<u>4,267</u> 4,267
Hoquiam	<u>2,663</u> 2,663	 	<u>15,695</u> 15,795	 	<u>100</u> 85	<u>85</u> 	<u>18,543</u> 18,543

Irene Christy
August 17, 1979

INCOME COLLECTED BY DNR, LISTED BY
LAND USE CLASSIFICATIONS - PRESENT AND PROPOSED

for

The Harbor Area Planning Project

Present Use	Water dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All Other Uses		Total
Ilwaco	No Leases in harbor area						
Kalama	<u>2,448</u>			<u>1,553</u>			<u>4,001</u>
	2,448			1,553			4,001
La Conner	<u>8,450</u>				<u>6,985</u>	<u>759</u>	<u>16,194</u>
	2,518	6,402	3,333		3,939		16,192
Marysville				<u>1,789</u>			<u>1,789</u>
				1,789			1,789
Olympia	<u>39,460</u>			<u>17,338</u>	<u>100</u>	<u>1,000</u>	<u>57,898</u>
	4,594	34,866		17,438	1,000		57,898
Poulsbo	<u>1,937</u>				<u>180</u>		<u>2,117</u>
	515	1,422	80	100			2,117
Port Angeles	<u>24,873</u>			<u>2,409</u>	<u>120,927</u>	<u>1,862</u>	<u>150,071</u>
	23,626	672	1,521	122,390	1,862		150,071
Port Orchard	<u>14,298</u>				<u>59</u>	<u>6,128</u>	<u>20,485</u>
	70	14,227	59	6,128			20,484
Port Townsend	<u>18,355</u>						<u>18,355</u>
	18,128	227					18,355
Seattle	<u>235,708</u>			<u>18,244</u>	<u>72,666</u>	<u>55,503</u>	<u>382,121</u>
	154,884	80,823	41,395	18,244	86,774		382,120
Shelton	<u>541</u>			<u>6,175</u>	<u>70</u>		<u>6,786</u>
	180	361		6,245			6,786

Irene Christy
August 17, 1979

INCOME COLLECTED BY DNR, LISTED BY
LAND USE CLASSIFICATIONS - PRESENT AND PROPOSED

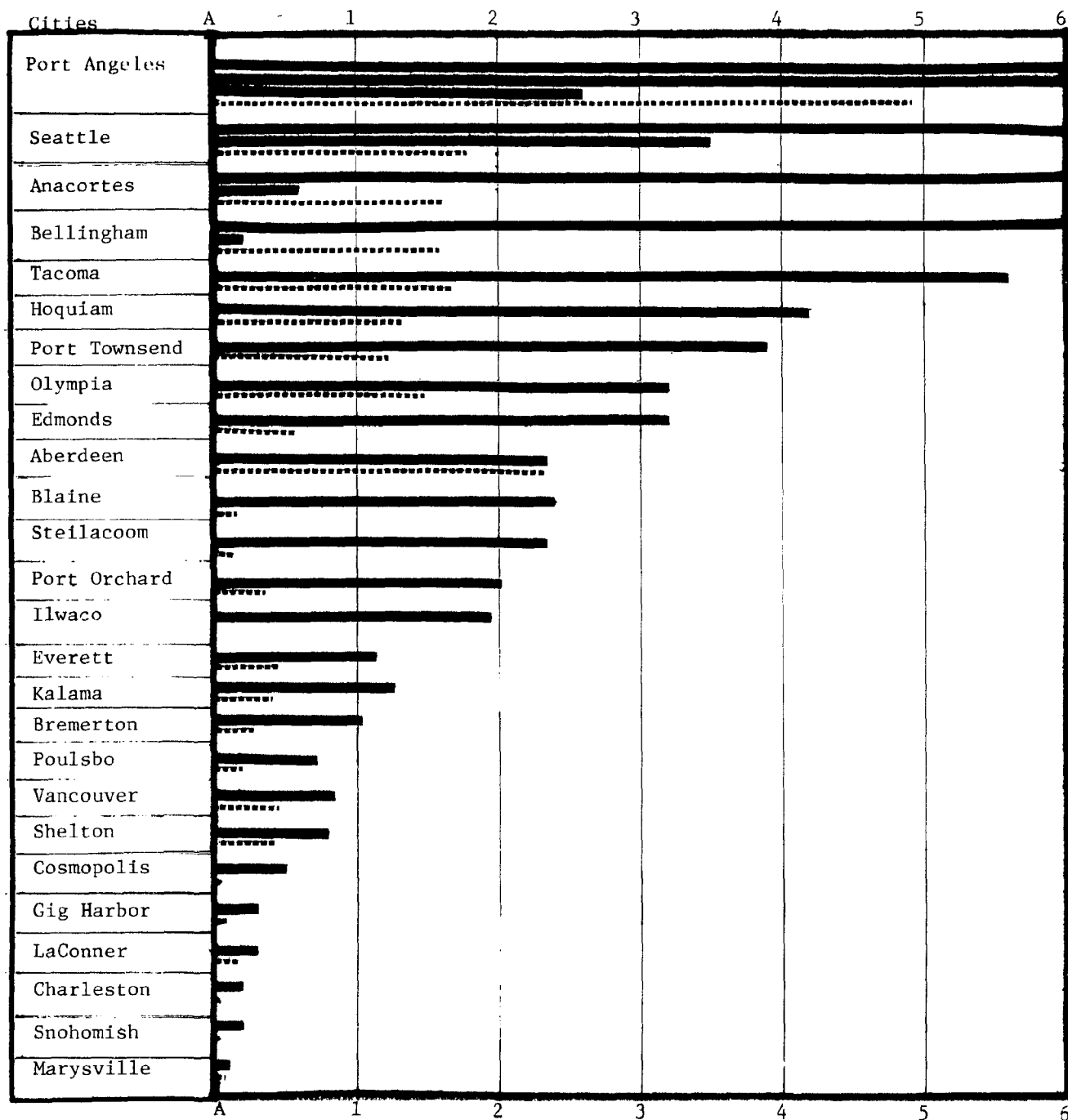
for
The Harbor Area Planning Project

Present Use	Water Dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All Other Uses		Total
Steilacoom	<u>2,824</u>				<u>300</u>		<u>3,124</u>
	2,446	378		300			3,124
Tacoma	<u>27,500</u>		<u>37,941</u>		<u>3,449</u>		<u>69,890</u>
	14,986	12,514	2,850	37,207		2,332	69,890
Vancouver	<u>8,845</u>		<u>525</u>		<u>3,963</u>		<u>13,333</u>
	8,845	525		295		3,668	13,333
Snohomish					<u>63</u>		<u>63</u>
			63				63

INCOME COLLECTED BY DNR
listed by present and proposed classifications

Classifications	Present	Proposed
Water Dependent	\$498,575	
Water Dependent-Primary		\$299,336
Water Dependent-Secondary		200,509
Water Oriented	149,385	
Water Oriented-Public		51,669
Water Oriented-Industrial		292,683
Other Water Dependent or		
Water Oriented Uses	213,347	
All Other Uses	83,844	
All Other Uses		101,945
Total Income	<u>\$946,151</u>	<u>\$946,142</u>

Graph 2. TOTAL ACREAGE
by Harbor Area



Total Acres (A x 100) —————

Acres Leased (A x 100)

Table 8. ACRES IN HARBOR AREA
AND PERCENTAGE OF ACRES LEASED
BY LAND USE CLASSIFICATIONS

Present Use	Water Dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All Other Uses		Leased % Leased
Aberdeen	66.50-26% 64.48-26% 2.02-1%		156.93-63% 3.90-2% 157.67-62%		7.71-3% 3.07-1%	---	250 231.14 92%
Anacortes	121.59-21% 94.63-17% 26.96-4%		37.05-6% --- 41.65-7%		4.60-1% ---	---	660 163.24 25%
Bellingham	86.90-14% 72.94-12% 16.99-3%		27.20-5% 30.56-5% 36.60-7%		32.71- % 3.16-1%	13.44-2%	620 160.25 26%
Blaine	14.16-15% 14.16-15% ---		--- --- .72-0%		.72-0% ---	---	105 14.98 14%
Bremerton	20.91-9% 7.42-3% 11.88-5%		--- .36-0% 6.00-3%		6.36-4% 1.74-1%	.13-0%	240 27.40 11%
Charleston	--- --- ---		.23-1% --- .23-1%		--- ---	---	20 .23 1%
Cosmopolis	--- --- ---		.19-0% --- .19-0%		--- ---	---	50 .19 1%
Edmonds	45.15-14% 21.40-7% 23.84-7%		--- 10.50-3% .52-0%		11.11-3% ---	---	320 56.26 18%
Everett	34.11-21% 34.11-21% ---		5.97-4% --- 5.97-4%		--- 2.79-2%	2.79-2%	160 45.87 29%
Gig Harbor	6.36-21% .32-1% 6.36-21%		.32-1% --- .56-2%		.56-2% ---	---	30 7.27 24%
Hoquiam	42.62-10% 42.62-10% ---		84.07-20% --- 84.74-20%		.67-0% 4.08-1%	4.08-1%	420 131.44 31%

ACRES IN HARBOR AREA
AND PERCENTAGE OF ACRES LEASED
BY LAND USE CLASSIFICATIONS

Present Use	Water Dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All Other Uses		Leased % Leased
Ilwaco	No Leases in Harbor Area						195
Kalama	18.25-15% ---	18.25-15%	17.44-14% 2.72-2%	18.58-15%	3.86-3% ---	---	125 39.55 32%
La Conner	12.58-42% 2.29-8%	10.69-36%	---	1.50-5% ---	3.09-10% 1.38-5%	.19-1%	30 15.86 53%
Marysville*	---	---	8.15-82% ---	8.15-82%	---	---	10 8.15 82%
Olympia	47.16-13% 17.78-5%	29.38-8%	99.08-28% ---	99.93-28%	.85-0% .19-0%	.19-0%	360 148.00 41%
Port Angeles	132.41-9% 102.57-7%	28.00-2%	8.60-1% 7.03-0%	401.85- %	333.96-.. % 5.88-0%	70.36-5%	1,460 545.33 37%
Port Orchard	29.54-15% .47-0%	29.07-15%	---	.41-0% 1.16-1%	1.57-1% 4.04-2%	4.04-2%	200 35.15 18%
Port Townsend	113.37-29% 105.43-27%	7.94-2%	---	9.65-2% .37-0%	10.02-3% ---	---	390 123.02 32%
Poulsbo	17.63-21% 1.30-2%	16.33-19%	---	.53-1% .20-0%	.73-1% ---	---	85 18.36 22%
Seattle	133.80-14% 86.72-9%	47.08-5%	8.37-17% 13.43-1%	8.37-1%	22.93-2% 25.60-3%	16.10-2%	950 177.04 19%
Shelton	3.87-5% 3.50-4%	.37-0%	38.66-48% ---	38.68-48%	.02-0% ---	---	80 42.74 53%

* Not total Harbor Area, only State managed Harbor Area.

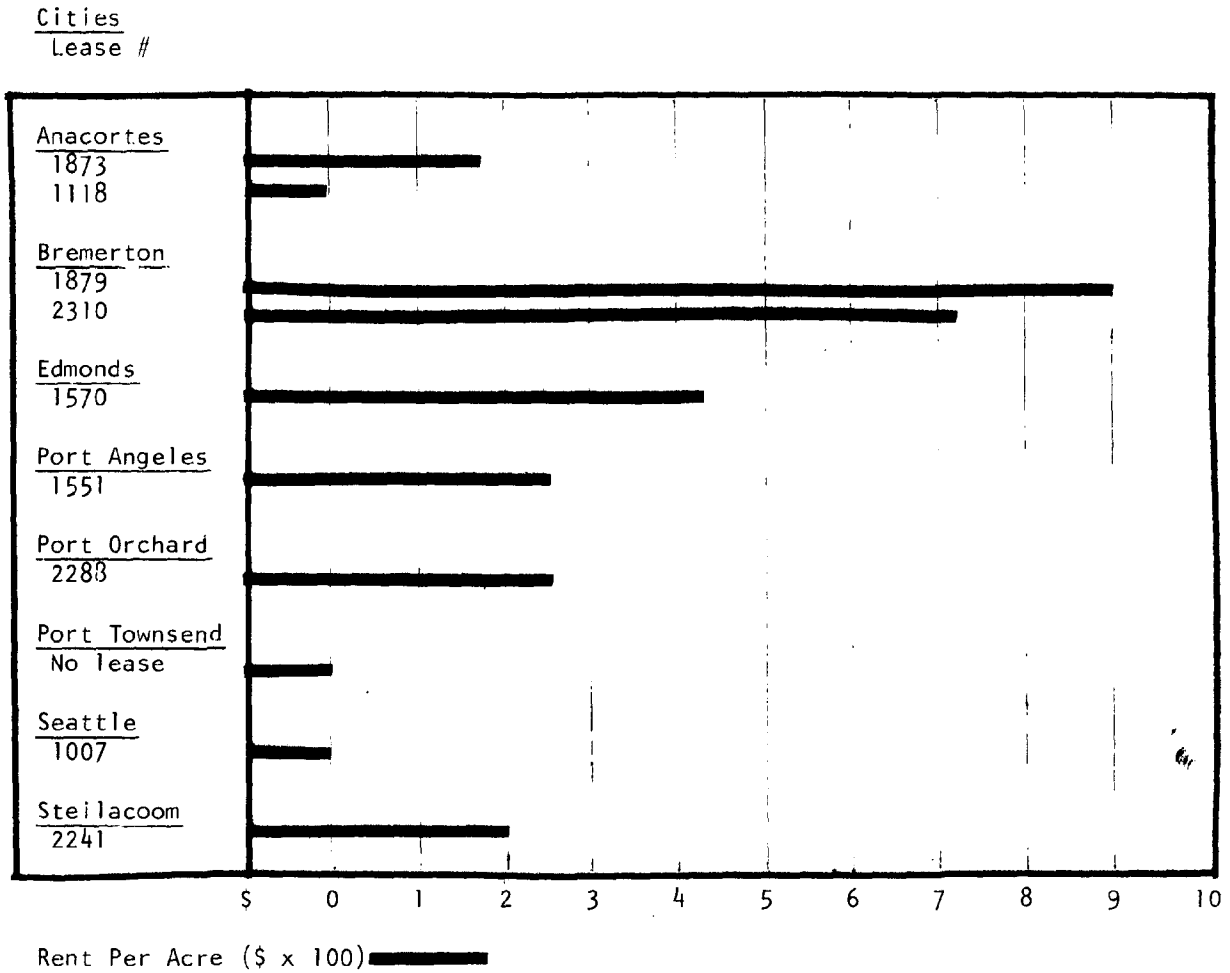
ACRES IN HARBOR AREA
AND PERCENTAGE OF ACRES LEASED
BY LAND USE CLASSIFICATIONS

Present Use	Water Dependent		Water Oriented		Other Uses	All Other Uses	Total
Proposed Use	Primary	Secondary	Public	Industrial	All	Other Uses	Leased % Leased
Snohomish	---	---	---	.23-1%	.23-1%	---	20 .23 1%
Steilacoom	15.18-6%			.27-0%	---	---	235
	13.96-6%	1.22-1%	---	.27-0%	---	---	15.65 7%
Tacoma	93.03-17%		63.21-11%		9.98-2%	---	560
	73.06-13%	19.97-4%	5.50-1%	61.39-11%		6.30-1%	166.22 30%
Vancouver	37.31-44%		.69-1%		5.20-6%	5.50-6%	85
	37.31-44%	.69-1%	---	.63-1%		10.07-12%	43.70 51%

TOTAL ACRES IN HARBOR AREA
NUMBER OF ACRES LEASED

<u>TOTAL</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Water Dependent	1,092.43	
Water Dependent - Primary		796.47
Water Dependent - Secondary		297.04
Water Oriented	556.43	
Water Oriented - Public		86.09
Water Oriented - Industrial		974.68
Other Water Dep. or Water Or.	456.90	
All Other Uses	116.82	
All Other Uses		68.30
Total Acres Leased	<u>2,222.58</u>	<u>2,222.58</u>

Graph 3. FERRY LANDINGS,
Rental Fees



Lease	Lessee	Annual Rent	Annual Rent Per Acre	Acreage Leased
1873	Skagit County	\$ 693.00	\$ 165.00	4.20
1118	Dept. of Transportation	0	0	15.00
1879	Dept. of Transportation	1,881.00	900.00	2.09
2310	Bremers, Inc.	1,080.00	720.00	1.50
1570	Port of Edmonds*	2,280.00	423.00	5.39
1551	Port of Port Angeles	640.00	250.00	2.56
2288	Horluck Transportation	70.50	150.00	.47
1007	Dept. of Transportation	0	0	1.33
2241	Pierce County	618.00	200.00	3.09

*Sublet to Washington Toll Bridge Authority

Table 6. Rental Fees and Value Per Acre
LOG BOOMING LEASES

<u>Lease</u>	<u>City and Lessee</u>	<u>Length of Lease in Years</u>	<u>Rent Charged Per Lease</u>	<u>Rent Charged Per Acre</u>	<u>Acreage</u>	<u>DNR's Value Per Acre*</u>
<u>Kalama</u>						
2212	Port of Kalama	30	\$ 501.60	\$ 66.00	7.60	\$ 1,100
<u>Olympia</u>						
2343	Port of Olympia	10	1,075.00	251.75	4.27	4,200
2417	Delson Lumber Co.	10	5,280.00	265.33	19.90	4,400
2060	Buchanan Lumber Co.	30	4,896.00	311.85	15.70	5,200
2259	Westside Log Dump	10	4,195.00	113.38	37.00	1,900
<u>Port Angeles</u>						
2434	Crown Zellerbach	10	1,466.00	759.59	1.93	10,000 (7.6%)
2411	ITT Rayonier	10	11,935.50	150.00	79.57	2,500
2463	ITT Rayonier	2	9,500.00	494.79	19.20	6,500 (7.6%)
2455	Crown Zellerbach	2	46,930.00	494.00	95.00	6,500 (7.6%)
2233	Foss Launch and Tug	10	6,634.50	150.00	44.23	2,500
<u>Hoquiam</u>						
2270	Mayer Bros.	10	132.00	209.53	.63	3,500
2364	ITT Rayonier	10	570.00	120.26	4.74	2,000
1993	ITT Rayonier	15	120.00	240.00	.50	4,000
2473	ITT Rayonier	5	9,082.00	167.26	54.30	2,200 (7.6%)
2115	ITT Rayonier	15	558.00	209.78	2.66	3,500
2188A	Anderson-Middleton	10	2,205.00	149.59	14.74	2,500
<u>Aberdeen</u>						
2344	Weyerhaeuser	10	936.00	120.00	7.80	2,000
2167	Boise Cascade	30	3,578.40	210.00	17.04	3,500
2145	Daniels Forest Products	15	183.60	120.00	1.53	2,000
2254	ITT Rayonier	15	7,905.00	149.97	52.71	2,500
2154	ITT Rayonier	15	2,010.00	150.00	13.40	2,500
2165	Saginaw Mill	15	1,260.00	150.00	8.40	2,500
2398	Allman-Hubble	5	2,220.00	210.02	10.57	3,500
2189	Weyerhaeuser	15	336.00	120.00	2.80	2,000
2013	Miller Cedar Lumber Co.	15	222.00	180.48	1.23	3,000
2144	Miller Cedar Lumber Co.	15	40.80	240.00	.17	4,000
2160	Miller Cedar Lumber Co.	15	451.50	150.00	3.01	2,500
2041	Weyerhaeuser	30	852.00	179.74	4.74	3,000
<u>Anacortes</u>						
2408	Publishers Forest Products	5	4,680.00	150.04	31.19	2,500
<u>Everett</u>						
2403	Port of Everett	30	2,262.00	590.50	3.77	9,850
142***	Scott Paper	0	336.00	152.72	2.20	1,275 (12%)

(Continued)

* Based on 6% true and fair value - except where noted.

*** Use and Occupancy Charge

Harbor Area Planning Project
Log Booming Leases
August 21, 1979

<u>Lease</u>	<u>City and Lessee</u>	<u>Length of Lease in Years</u>	<u>Rent Charged Per Lease</u>	<u>Rent Charged Per Acre</u>	<u>Acreage</u>	<u>DNR's Value Per Acre*</u>
<u>Marysville</u>						
2277	Welco Lumber Co.	10	\$ 174.00	\$ 207.14	.84	\$ 3,450
2476	Garka Lumber Co.	10	390.00	228.07	1.71	3,000(7.6%)
2361	Georgia-Pacific Co.	10	358.20	187.53	1.91	3,125
2480	Georgia-Pacific Co.	7	136.80	228.00	.60	3,000(7.6%)
2481	Georgia-Pacific Co.	5	380.00	233.12	1.63	3,050(7.6%)
2482	Georgia-Pacific Co.	5	350.00	239.72	1.46	3,150(7.6%)
<u>Shelton</u>						
2204	Simpson Timber Co.	10	316.80	120.00	2.64	2,000
2468	Simpson Timber Co.	5	3,990.00	189.81	21.02	2,500(7.6%)
2126	Simpson Timber Co.	10	819.00	138.81	5.90	2,300
2304	Simpson Timber Co.	10	1,050.00	115.38	9.10	1,925
<u>Tacoma</u>						
2425	Puget Sound Plywood Co.	10	3,420.00	760.00	4.50	10,000 (7.6%)

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* Based on 6% true and fair value - except where noted.

*** Use and Occupancy Charge

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Total rent collected for log booming in Harbor Areas: \$143,738.70

Total acres leased: 613.83

Average annual rent charged per acre: \$259.57

Average annual rent collected per acre: \$234.17

Average value per acre: \$3,500

CONSTITUTIONAL MANDATE

Harbor area management as set forth in the Washington State Constitution.

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State Constitution

[Art. 15]

of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature. (Governmental continuity during emergency periods; See Art. 2, Sec. 42.)

Sec. 3. **Restrictions on Appropriations for Capitol Buildings**—The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the Territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.

ARTICLE XV—HARBORS AND TIDE WATERS

Sec. 1. **Harbor Line Commission and Restraint on Disposition**—The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters be within or in front of the corporate limits of any city or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or re-established by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. (L. 1931, p. 417. Sec. 1.) AMENDMENT 15. Approved November, 1932. (Tide lands, see infra, Art. 17.)

Original text — Art. 15. Sec. 1. HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION OF CERTAIN TIDE LANDS — The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters be within or in front of the corporate limits of any city or within one mile thereof on either side. The state shall never give, sell or lease to any private person, corpora-

tion or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Art. 16]

State Constitution

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Sec. 2. **Leasing and Maintenance of Wharves, Docks, Etc.**—The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

Sec. 3. **Extension of Streets Over Tide Lands**—Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI—SCHOOL AND GRANTED LANDS

Sec. 1. **Disposition of**—All the public lands granted to the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Sec. 2. **Manner and Terms of Sale**—None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder, the value thereof, less the improvements shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal the value of the improvements thereon shall be excluded: *Provided*, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith, may be confirmed by the legislature.

Sec. 3. **Limitations on Sales**—No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January first, eighteen hundred and ninety-five, and not more than one-half prior to January first, nineteen hundred and five: *Provided*, That nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: *And provided*, further, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Sec. 4. **How Much May be Offered in Certain Cases—Platting of**—No more than one hundred and sixty acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

ARTICLE XXVII—SCHEDULE

In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:—

Sec. 1. Existing Rights, Actions and Contracts Saved—No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

Sec. 2. Laws in Force Continued—All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature; *Provided*, That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

Sec. 3. Debts, Fines, Etc., to Inure to the State—All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

Sec. 4. Recognizances—All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid, and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the state of Washington, as the same could have been by the Territory of Washington.

Sec. 5. Criminal Prosecutions and Penal Actions—All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment, and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may

be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued, and transferred to the court of the state having jurisdiction of the subject matter thereof.

Sec. 6. Retention of Territorial Officers—All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

Sec. 7. Constitutional Officers, When Elected—All officers provided for in this Constitution including a county clerk for each county when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday of October, eighteen hundred and eighty-nine.

Sec. 8. Change of Courts—Transfer of Causes—Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution shall have qualified, the several causes then pending in the district court of the territory except such causes as would have been within the exclusive jurisdiction of the United States district court had such court existed at the time of the commencement of such causes, within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court of such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county, or counties, other than that in which such records are kept, the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States, circuit court had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme

79.16.530 Lease of beds of navigable waters. The commissioner of public lands may lease to the abutting tide or shore land owner or lessee, the beds of navigable waters lying below the line of extreme low tide in waters where the tide ebbs and flows, and below the line of navigability in lakes and rivers claimed by the state and defined in section 1, Article XVII of the Constitution of the state, or in case the abutting tide or shore lands or the abutting uplands are not improved or occupied for residential or commercial purposes, may lease such beds to any person, firm or corporation for a period not exceeding ten years for booming purposes. Nothing in RCW 79.16.530 through 79.16.560 shall change or modify any of the provisions of the state Constitution or laws of the state which provide for the leasing of harbor areas and the reservation of lands lying in front thereof. [1953 c 164 § 1.]

Construction—1953 c 164: "Nothing in this act is intended to modify or repeal any existing statutes providing for the leasing of the beds of navigable waters of the state for oyster cultivation or extraction of minerals or petroleum and gas." [1953 c 164 § 5.] This applies to RCW 79.16.530 through 79.16.560.

79.16.540 Lease of beds of navigable waters—
Terms and conditions of lease—Forfeiture for nonuser. The commissioner of public lands shall, prior to the issuance of any lease under the provisions of RCW 79.16.530 through 79.16.560, fix the annual rental and prescribe the terms and conditions of the lease: *Provided*, That in the fixing of such annual rental the commissioner shall not take into account the value of any improvements heretofore or hereafter placed upon the lands by the lessee. No lease issued under the provisions of RCW 79.16.530 through 79.16.560 shall be for a longer term than thirty years from the date thereof if in front of second class tide or shore lands, or a longer term than ten years if in front of unplatted first class tide or shore lands leased under the provisions of RCW 79.01.536. Any lease of the bed of navigable waters in front of unplatted first class tide or shore lands, shall be subject to the same terms and conditions as provided in the lease of such unplatted first class tide or shore lands. Failure to use any lands leased under the provisions of RCW

79.16.530 through 79.16.560 for booming purposes for a period of two years shall work a forfeiture of the said lease and the land shall revert to the state without notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands. [1953 c 164 § 2.]

79.16.550 Lease of beds of navigable waters—
Improvements——**Federal permit—**—**Forfeiture—**—**Plans and specifications.** The applicant for a lease under the provisions of RCW 79.16.530 through 79.16.560 shall first obtain, from the United States army engineers or other federal regulatory agency, a permit to place structures or improvements in said navigable waters and file with the commissioner of public lands a copy of the said permit. No structures or improvements shall be constructed beyond a point authorized by the United States army engineers or the commissioner of public lands and any construction beyond authorized limits will work a forfeiture of all rights granted by the terms of any lease issued under the provisions of RCW 79.16.530 through 79.16.560. The applicant shall also file plans and specifications of any proposed improvements to be placed upon such areas with the commissioner of public lands, said plans and specifications to be the same as provided for in the case of the lease of harbor areas. [1953 c 164 § 3.]

79.16.560 Lease of beds of navigable waters—
Preference right to re-lease. At the expiration of any lease issued under the provisions of RCW 79.16.530 through 79.16.560, the lessee, his successors or assigns, shall have a preference right to re-lease the area covered by the original lease or any portion thereof if the commissioner of public lands deems it to the best interest of the state to re-lease the same. Such re-lease shall be for such term as specified by the provisions of RCW 79.16.530 through 79.16.560 and at such rental and upon such conditions as may be prescribed by the commissioner of public lands. If such preference right is not exercised, the rights and obligations of the lessee, the commissioner of public lands, and any subsequent lessee shall be as provided in RCW 79.01.548 relating to failure to re-lease tide or shore lands. Any person who heretofore has occupied and improved an area subject to lease under RCW 79.16.530 through 79.16.560 and has secured a permit for such improvements from the United States army engineers or other federal regulatory agency, shall have the rights and obligations of a lessee under this section upon the filing of a copy of such permit together with plans and specifications of such improvements with the commissioner of public lands. [1953 c 164 § 4.]

79.16.570 Sale of rock, gravel, sand and silt. The commissioner of public lands, upon application by any person, firm, or corporation, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand and silt located upon beds of navigable waters and any tidelands and shorelands owned by the state and providing for payment to be made therefor by such royalty as the commissioner may fix. [1955 c 386 § 1.]

Chapter 88.24
WHARVES AND LANDINGS

Sections

88.24.010	Right of riparian owner to construct	Rates.
88.24.020	County may authorize wharves and prescribe rates.	
88.24.030	City or town may authorize wharves	Rates
	Liability.	
88.24.040	Construction requirements of wharves	When deemed incomplete.
88.24.070	County acquisition by condemnation of right of way.	

Burning wharves, second degree arson: RCW 9.09.020.

Powers of cities and towns relative to docks and other appurtenances to harbors and shipping: RCW 35.22.280, 35.24.290, 35.23.440, and 35A.11.020.

Powers of port districts as to wharves, landings, etc.: Chapter 53.08 RCW.

Wharfingers and watchhousemen: Chapter 81.94 RCW.

88.24.010 Right of riparian owner to construct—
Rates. Any person owning land adjoining any navigable waters or watercourse, within or bordering upon this state, may erect upon his own land any wharf or wharves, and may extend them so far into said waters or watercourses as the convenience of shipping may require; and he may charge for wharfage such rates as shall be reasonable: *Provided*, That he shall at all times leave sufficient room in the channel for the ordinary purposes of navigation. [Code 1881 § 3271; 1863 p 531 § 1; 1860 p 326 § 1; 1854 p 357 § 1; RRS § 9613.]

88.24.020 County may authorize wharves and prescribe rates. (1) Whenever any person shall be desirous of erecting any wharf at the terminus of any public highway, or at any accustomed landing place, he may apply to the county commissioners of the proper county, who, if they shall be satisfied that the public convenience requires said wharf, may authorize the same to be erected and kept up for any length of time not exceeding twenty years. And they shall annually prescribe the rates of wharfage and charges thereon, but there shall be no charge for the landing of passengers or their baggage. (2) No such authority shall be granted to any person other than the owner of the land where the wharf is proposed to be erected, unless such owner shall neglect to apply for such authority; and whenever application shall be made for such authority by any person other than such owner, the board of county commissioners shall not grant the same unless proof shall be made that the applicant caused notice in writing of his intention to make such application, to be given by posting up at least three notices in public places in the neighborhood where the proposed wharf is to be erected and one notice at the county court house, twenty days prior to any regular session of the board of county commissioners at which application shall be made and by serving a copy of said notice in writing upon such owner of the land, if residing in the county, at least ten days before the session of the board of county commissioners at which the application is made. (3) When such application is heard, if the owner of such land applies for such authority and files his undertaking with one or more sureties to be approved by the county commissioners in a sum not less than one hundred dollars nor more than five hundred dollars, to be fixed by

the county commissioners, conditioned that such person will erect said wharf within the time therein limited, to be fixed by the county commissioners, and maintain the same and keep said wharf according to law; and if default shall at any time be made in the condition of such undertaking damages not exceeding the penalty may be recovered by any person aggrieved before any court having competent jurisdiction, then said county commissioners shall authorize such owner of the land to erect and keep such wharf. (4) If such owner of the land does not apply as aforesaid the commissioners may authorize the same to be erected and kept by such applicant upon his entering into an undertaking as required of such owner of the land. [1893 c 49 § 1; Code 1881 § 3272; 1863 p 531 § 2; 1854 p 537 § 2; RRS § 9614.]

88.24.030 City or town may authorize wharves—
Rates—Liability. Whenever any person or persons shall be desirous of erecting a wharf at the terminus of any street of any incorporated town or city in the state, he or they may apply to the municipal authorities of such town or city who, if they shall be satisfied that the public convenience requires said wharf, may authorize the same to be erected and kept in repair for any length of time not exceeding ten years; and every person building, owning or occupying a wharf in this state, upon which wharfage is charged and received, shall be held accountable to the owner or owners, consignees or agents, for any and all damage done to property stored upon, or passing over said wharf, in consequence of the unfinished, incomplete, or insufficient condition of said wharf; and every such person shall post or cause to be posted in a conspicuous place on said wharf the established rates of wharfage, noting passengers and their baggage free. [Code 1881 § 3273; 1863 p 531 § 3; RRS § 9615.]

88.24.040 Construction requirements of wharves—
When deemed incomplete. All wharves now standing, or hereafter to be built, in this state, shall be deemed insufficient, incomplete and unfinished unless they have good and substantial banisters or railing on the sides thereof, or a strip of hewn timber at least eight by ten inches square, well secured all around said wharves within ten inches of the outer edge thereof, except at the ends. [Code 1881 § 3274; 1863 p 532 § 4; 1860 p 327 § 2; RRS § 9616.]

88.24.070 County acquisition by condemnation of right-of-way. In cases where a person or persons, firm or corporation has acquired a right, title or interest in and to the tidelands or other lands over which it is proposed to build, construct or maintain such wharf or landing, whether such interest be a title in fee simple or as lessee or under contract of purchase or otherwise, and the board of county commissioners shall be unable to agree with the person, persons, firm or corporation claiming such interest or title as to the compensation to be paid for the taking of such strip of tidelands or other lands, then and in that case such board of county commissioners may by an order direct proceedings to procure a right of way over said tidelands or other lands

WASHINGTON LAWS, 1979

Ch. 20

CHAPTER 19

[Senate Bill No. 2366]

LAKE WASHINGTON HARBOR LINES—RENTON, LAKE FOREST PARK

AN ACT Relating to harbor lines; and amending section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 124, Laws of 1977 ex. sess. (uncodified).

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 139, Laws of 1963 (uncodified) as last amended by section 1, chapter 124, Laws of 1977 ex. sess. (uncodified) are each amended to read as follows:

The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the ((city)) cities of Renton and Lake Forest Park, King county; Commencement Bay in front of the city of Tacoma, Pierce county; and within one mile of the limits of such city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county; the Columbia River in front of the city of Vancouver, Clark county; Port Townsend Bay in front of the city of Port Townsend, Jefferson county; the Swinomish Channel in front of the city of La Conner, Skagit county; and Port Gardner Bay in front of the city of Everett, Snohomish county, except no harbor lines shall be established west of the easterly shoreline of Jetty Island as presently situated or west of a line extending S 37° 09' 38" W from the Snohomish River Light (5).

Passed the Senate February 20, 1979.

Passed the House February 28, 1979.

Approved by the Governor March 7, 1979.

Filed in Office of Secretary of State March 7, 1979.

CHAPTER 20

[Senate Bill No. 2486]

APPLE ADVERTISING ASSESSMENT—ANNUAL RATE INCREASE

AN ACT Relating to apple assessments; and amending section 15.24.090, chapter 11, Laws of 1961 as last amended by section 27, chapter 240, Laws of 1967 and RCW 15.24.090.

[139]

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REPORTS
on
INDIVIDUAL HARBOR AREAS

Harbor Area Planning Project
Irene Christy
April 19, 1979

ABERDEEN HARBOR AREA REPORT

Introduction

Aberdeen is located in Grays Harbor County in southwestern Washington. The deepwater entrance to Aberdeen from the Pacific Ocean lies between Point Brown on the north and Point Chehalis on the south. This entrance is 40 nautical miles north of the mouth of the Columbia River.

The harbor area at Aberdeen was established by the Harbor Line Commission on February 2, 1892. However, the harbor lines so established were declared invalid and ineffectual by the Superior Court of the State of Washington in and for Chehalis County and also by an act of the legislature in 1903 due to loss of survey monuments and discrepancy between the field notes and filed plats.¹

A new harbor area was established at Aberdeen on April 2, 1906. The outer harbor line was located on each side of the Chahalis River in water having a depth of approximately 16 feet at mean lower low water. The inner harbor line was drawn parallel with and landward of the outer harbor line some 50 to 300 feet. The variation is apparently an attempt to keep the inner harbor line coincident with or below the line of low tide.²

At Aberdeen the federal pierhead line was modified a number of years ago for developing facilities. The outer harbor line had been coexistent with the pierhead line so structures were built within the pierhead line but outside the outer harbor line. Action by the Harbor Line Commission in 1977 relocated the outer harbor line to include the suructures within the harbor area.

Aberdeen's harbor activities fall under the jurisdiction of the Port of Grays Harbor, which is a county-wide public port district.

Present Uses

The Department of Natural Resources presently holds 32 leases and several easements in the harbor area fronting the City of Aberdeen. Acres of harbor area leased amount to 231.14 acres. Total acres included in harbor area are approximately 235 acres. This is almost 100% of the harbor area leased at this time.

Rent collected by the Department of Natural Resources from these leases amounts to \$31,707.04. This amounts to approximately \$137.25 annual income per acre of leased harbor area. Approximately two thirds of the harbor area is leased for log storage and rafting with an averabe annual rent of \$154.50 per acre. Total rent charged amounted to \$37,709.20.

¹Harbor Area Study, 1972.

²Ibid.

Aberdeen's harbor area is used mainly for log rafting and storage with several piers and port terminals for shipping logs and lumber, wood pulp and chips.

Two piers are used for incoming oil shipments - one for an oil company receiveing petroleum products at their pier and another for a mill for plant consumption.

Terminal 4, most of Pier 2, and about half of Slip 2 is in Aberdeen. Pier 1, Slip 1 and half of Slip 2 is in Hoquiam. Terminal 4 was built originally as a log export terminal. It was recently expanded and rebuilt to accommodate containerized cargo as well as logs. It now consists of a 1,400 foot wharf with two berths and has a large storage area designed for fast handling of cargo.

Two old Liberty ships are now used to load ships instead of piers or wharves.³

An old steam schooner, the M/S Sierra, is tied to dolphins in the bed of navigable waters in front of a wharf located in the harbor area. The wharf appears to be partially outside the outer harbor area and in the bed, according to a January, 1976, Corps of Engineers map. The new lessee of this stretch of harbor area purchased the uplands and developed the Wishkah Mall, a shopping center there. Now a lawsuit is in progress trying to remove the old schooner from its location. The owner of the ship won't move it until he finds another place to tie it up. The schooner was placed in the National Register of Historic Places on March 29, 1978.⁴ The Coast Guard has declared it a navigational hazard. The Corps of Engineers wants it moved and so does the harbor area lessee. The lawsuit has not been decided as of this date. Department of Natural Resources has not charged rent because rent is not normally charged for ships moored at a dock unless it becomes a permanent structure.

The Grays Harbor Estuary Management Plan was initiated in 1975 to coordinate planning and public participation requirements of the Shoreline Management Act after the Corps of Engineers proposed deepening the 30-foot channel to a 40-foot channel in the Chehalis River. A model master program was developed and all participating local governments subsequently adopted it with minor revisions. The Grays Harbor Regional Planning Council is the lead agency in the Estuary Management Study. All affected parties, including the regulatory agency representatives, were included in the planning process. The resulting plan will bind all parties to specific land and water use allocations and should facilitate processing of permits required for site-specific projects.⁵

³The companies using the ships are Anderson-Middleton Company & Weyerhaeuser, Bay City 2 facility.

⁴Office of Archeology & Historic Preservation, State of Washington, by telephone, on April 16, 1979.

⁵Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehuda Hayuth, Under New Management, A Washington Sea Grant Publication, University of Washington Press, 1978.

Physical Characteristics

Grays Harbor is roughly pear shaped, diverging from the Chehalis River at Aberdeen into a broad shallow bay. When the tide goes out, more than half the estuary is in mud flats. Streams and rivers flowing into the estuary, besides the Chehalis River, are the Humptulips, Hoquiam, Wishkah, Johns and Elk Rivers.

The present channel is now maintained at a 30-foot depth and 350 feet wide from deep water in Grays Harbor to Cow Point, which is located in the west portion of Aberdeen at Terminal 4. From Cow Point the channel is 30 feet deep and 200 feet wide, suitable widened at the bends in the Chehalis River to a point 4 1/8 miles upstream from the Union Pacific Railroad bridge. The Corps of Engineers proposes to dredge a 40-foot channel up the Chehalis River to provide better access to marine terminals for anticipated growth in trade.

A turning basin 30 feet deep, 600 feet wide, and 1,000 feet long is just downstream from the Union Pacific Railroad bridge. Another turning basin 30 feet deep, 550 feet wide and 1,000 feet long is at the upstream end of the 30-foot channel near Cosmopolis.

No specific areas in Grays Harbor have been designated for anchorages.

Future Demands

The comprehensive planning done for the Grays Harbor Estuary Management Plan has looked at future needs. The activity that will have a great effect on the estuary for the people living in the surrounding area, for the fishery resource and the economy of Grays Harbor is the channel deepening and realignment proposed by the U. S. Army Corps of Engineers. More use of Grays Harbor is planned when the channel is deepened. A large question arising from the channel dredging is where to dump the spoils. Two major sites have been designated. One site taking most of the spoils would be an area around Bowerman Field on Moon Island in Hoquiam. The other site is the South Shore Site in South Aberdeen near the city limits. Both areas once filled, will be used for industrial development locations. Piers may be constructed to expand the shipping facilities presently available.

Many of the logs now stored in the river are transported by train to Aberdeen for unloading into the water for future use by the mills. Transporting logs by truck instead of train is anticipated within the next few years. If logs are brought in by truck, log storage would be by dry land storage. Many leases will expire and will not be released. The present oil shortage may slow down the changeover from rail transport to trucks, but log storage in the water will not continue for too long in the future. Other uses can then be considered for harbor area.⁵

⁵Interview with Henry Solke, Manager, Port of Grays Harbor.

The shift in methods for storage of logs will present an opportunity to decide how boomsticks and pilings for log races will be removed.

Public access and a view area of the activities along the Chehalis River are being worked out by the City of Aberdeen. This riverfront park, along the train tracks, covers a narrow strip of land, tidelands and harbor area. Some fill will be needed for this project.

A hotel/restaurant complex will be built in an area between the Wishkah Mall Shopping Center and the Wishkah River. The public port district owns the uplands and leases the harbor area for this project. What use will be made of the harbor area fronting this commercial development has not yet been determined.

A new pier for shipping logs is planned by a company presently leasing harbor area for log storage in front of their log sorting yard. The firm presently is shipping their logs from Terminal 4. Permits were granted by the Corps of Engineers and by the city for this shoreline development.⁶

⁶Interview with Stan Lattin, Planner, Port of Grays Harbor.

Analysis (Conflicts/Needs)

1. Realignment of the channel and channel deepening should be reviewed by Department of Natural Resources personnel to see if the project will encroach into the harbor area. Relocation of harbor lines may be needed.
2. There is a need to consider action desired by Department of Natural Resources to have boomsticks and pilings used in log storage removed from the harbor area with the advent of dry land storage.
3. Boundaries for the fill for the new Aberdeen Riverfront Park are not definite at this time, but fill could be intended for harbor area. If Department of Natural Resources has a policy regarding fill in harbor areas, now would be the time to work with the Aberdeen Park Department.

Various Methods of Stating Rent in Aberdeen Harbor Area

Rent to DNR from harbor area leases	<u>\$31,707.04</u>
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By Trusts:

#25 (100% of rent to DNR)	\$30,206.50
#26 (20% of rent to DNR)	1,500.54
#27 (80% of rent to DNR)	-----
#19 (beds in front of harbor area, 100% to DNR)	-----
	<u>\$31,707.04</u>

By Present Classifications

Water Dependent Commerce	\$ 5,979.12
Water Oriented Commerce	24,416.32
Other Water Dependent & Water Oriented Commerce	1,161.60
All other Uses	150.00
	<u>\$31,707.04</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 5,519.12
Water Dependent Uses, Secondary	460.00
Water Oriented Uses, Public Uses	592.00
Water Oriented Uses, Industrial	24,561.30
All Other Uses	574.62
	<u>\$31,707.04</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	\$ -----
0140 Non-Commercial Aquatic Sites	627.90
0160 Marina Services	460.00
0180 Transportation Facilities	4,000.82
0181 Processing, Mfg. Uses	4,824.30
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming & Rafting	21,444.02
0231 Waste Treatment Outfalls	75.00
0252 Sewer Lines & Outfalls	75.00
4032 Materials Removal	200.00
	<u>\$31,707.04</u>

Irene Christy
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Interviews:

Henry E. Soike, Manager, Port of Grays Harbor
Stanley L. Lattin, Planner, Port of Grays Harbor

Materials in file on Aberdeen Harbor Area

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Grays Harbor Estuary Management Plan

Harbor Area Planning Project
Irene Christy
July 6, 1979

ANACORTES HARBOR AREA REPORT

Introduction

Anacortes is located on the northern portion of Fidalgo Island in Skagit County about 17 nautical miles south of Bellingham and 66 nautical miles north of Seattle. Fidalgo Bay is east of the city, Guemes Channel on the north, with Burroughs Pass and Burroughs Bay on the southwest.

The harbor area was established at Anacortes in January, 1893. The harbor area extends from Burroughs Bay, around Fidalgo Head, all the northern portion of Fidalgo Island, and a portion along the northwest side of March Point. The outer harbor line was located in water 20 to 30 feet deep at mean lower low water until it approached Fidalgo Bay, where it was established at a maximum distance of 1,600 feet offshore, which was considered to be the maximum distance any structure should be allowed to encroach on the bay. The inner harbor line was then placed at a distance varying from a minimum of 50 feet to a maximum of 600 feet landward from the outer harbor line, depending on the characteristics of the bottom, of the water and of the abutting tidelands. In Fidalgo Bay the inner harbor line was drawn parallel with and 600 feet landward from the outer harbor line.

Three waterways established at the time the original harbor area was established have been vacated. Lagoon Waterway in the southwest portion of the city in Flounder Bay was vacated in 1922. A portion of the west arm of the Fidalgo Waterway was vacated in 1959. The Cap Sante Waterway was vacated in 1964. All were vacated by order of the Commissioner of Public Lands.¹

The public port district, the Port of Anacortes, includes the City of Anacortes, Fidalgo Island and several of the San Juan Islands.

Present Uses

The Department of Natural Resources has 33 leases in harbor areas fronting the City of Anacortes and within one mile beyond the city limits.

Total acres in harbor area at Anacortes amounts to 660 acres, with 163.24 acres leased. This amounts to approximately one fourth of the harbor area leased with leases generally clustered along the northeast and eastern shoreline.

Rent collected by the Department of Natural Resources for harbor area leases amounts to \$34,414.14. This would average out to \$210.50 per acre annually for Anacortes harbor area. The state ferry to Friday Harbor pays no rent for the

¹1972 Harbor Area Study.

use of the harbor area and bed while the county ferry to Guemes Island does pay rent for the use of the harbor area. Three easements in the harbor area have been granted with no rent charged. Total rent charged amounts to \$40,981.04.

The Port of Anacortes leases three areas that total one fourth of the leased harbor area. One area along Guemes Channel is 25.60 acres which is not used for any reason. The port has a series of leases at the northeastern end of Anacortes totalling 12.21 acres where piers, warehouses, log rafting and storage and port offices are located. Logs are shipped over the port piers. The port stores canned salmon in their warehouse but the salmon comes in and goes out by truck, not across their piers. Then a few blocks south and east of there, the port leases half an acre of land for a section of breakwater for the Cap Sante Boat Haven. A small section of breakwater juts out into the harbor area. Most of the breakwater and the whole boat haven are located in the tidelands and a vacated waterway.

The U. S. Army Corps of Engineers recently completed dredging a barge navigation channel to -18 feet mean lower low water along the east shore of Anacortes. Some of the fill from the new channel was put on the new City Industrial Park Urban Renewal Project Area and the balance was dumped in the bed west of the city.

The Scott Mill, which had a wharf for loading barges in the tidelands along the east shore of Anacortes, has closed. The millsite is being split with the public port district purchasing a portion on the north and Snelson-Anvil Company buying the balance on the south.

Snelson-Anvil has been building and barging pipe for the Alaska pipeline and the company is expanding. Snelson-Anvil will have a barge terminal and will use the newly dredged barge navigation channel.

Several fish canneries have piers in the harbor area along Guemes Channel to unload cargo.

One lease is to a pet food cannery using their pier to unload cargo for their cannery.

Several marinas are in the harbor area. The largest marina, Cap Sante, is inside the harbor area with only a small portion of the breakwater for the marina in harbor area. There are a number of commercial fishing vessels mooring in Anacortes.

A portion of the pier servicing one of the oil refineries on March Point is located in the harbor area. There are two large oil refineries on March Point. Each company has its own pier for receipt of crude oil, shipment of petroleum products, and for fueling large vessels. Both refineries connect with petroleum products pipeline between Ferndale, Washington and Portland, Oregon. About 1,200 feet in the middle of the 7,150-foot long pier is located in harbor area.²

²The 1,200-foot figure is an approximation. The 7,150-foot figure is the length of the pier given by the Corps of Engineers listing in Port Series No. 37, Revised in 1976.

Physical Characteristics

The City of Anacortes is on the northern portion of Fidalgo Island, 17 nautical miles south of Bellingham and 66 miles north of Seattle.

From the Pacific Ocean to Anacortes, vessels come by way of the Strait of Juan de Fuca and Rosario Strait through Guemes Channel. Guemes Channel, which separates Guemes Island from Fidalgo Island, is about three miles long and has a controlling depth of 58 feet at mean lower low water.

Fidalgo Bay is on the east side of Anacortes and separates the city from March Point where refineries are located. Berthing facilities for the refineries, east of Fidalgo Bay, are located at the 48-foot depth.³ Fidalgo Bay is generally shallow with depths ranging from about eight feet in the central part and sloping gradually to one to two feet on the tideflats near shore.

The western portion of the harbor area fronts a large park and residential area and none of the harbor area is leased. The Friday Harbor ferry terminal at the northwest tip of Fidalgo Island is the first section of harbor area under lease, with the leased sites clustered at the business and industrial area of Anacortes at the northeast part of Fidalgo Island.

Future Uses

One mill has closed with the possibility of a second mill closing or cutting back on their workforce. Employment is a community concern now. To encourage economic development, a barge navigation channel was dredged recently by the Corps of Engineers to serve a company presently barging material and future barge traffic anticipated with development of the newly-filled City Industrial Park Urban Renewal Project Area. The City of Anacortes holds the harbor area lease for access to the channel and a portion of the filled harbor area.

Two new marinas are at the permit stage of development, both on the eastern side of Anacortes, in Fidalgo Bay.

One major marina located in the Cap Sante Waterway and mooring basin is expanding to take in more recreational and commercial fishing boats. The U. S. Coast Guard moors vessels in this boat basin, too. A very small portion of the breakwater is under a lease but the harbor area in front of the marina is not leased to insure access.

The Port of Anacortes has warehouses at their main terminal that are used for both transient and long-term storage. Canned salmon is stored there now and is trucked in rather than crossing the dock.⁴ Some members of the Anacortes Chamber

³West Coast Deepwater Port Facilities Study, COE Public Information Brochure, 1973.

⁴Telephone conversation with Bill Hodgson, Auditor, Port of Anacortes, June 29, 1979.

of Commerce believe there is a need for more cold storage facilities for fish, fruit and vegetables and they would like to see the port take the lead in fulfilling this need, possibly by converting some of their warehouse space to cold storage use. They would like to see more such products shipped from Anacortes.⁵

There is a possibility of condominiums being built along the shore near the bird sanctuary west of the Friday Harbor ferry terminal. Such residential use might restrict use of the harbor area but there is no demand at this time for use of this section of harbor area.

⁵Interview with Maria Petrish, Manager, Anacortes Chamber of Commerce, June 26, 1979.

Analysis (Conflicts/Needs)

1. The Department needs to review the need to establish a policy on leasing or setting aside harbor area for access rights.
 - a. With the new barge navigation channel, more barge traffic will be using harbor area to reach the channel even though the loading and unloading of barges is done in the tidelands. One lease was cancelled because no structures were in the harbor area but this same company requested that the harbor area be left in an open condition for loading and unloading barges.
 - b. The Cap Sante Boat Haven leases only a small part of harbor area where their breakwater juts out into harbor area. Access is needed to deep water but no lease is held for that purpose.

If the harbor area is to be kept open for access to deep water, some form of agreement should be reached.
2. About 1,200 feet of the 7,150-foot long pier leading to one of the oil refineries on March Point is located in harbor area. No portion of the rent paid is included in the total rent receipts given nor is the leased acreage shown in the total harbor area leased figure because the lease is designated as a bedland lease in the file and on the computer information sheet. An accurate reflection of the use of bed and harbor area should be made for the rent money to be allocated to the proper accounts.

Various Methods of Stating Rent in Anacortes Harbor Area

Rent to DNR from harbor area leases

By Trusts:

#25 (100% of rent to DNR)	\$29,511.04
#26 (20% of rent to DNR)	1,424.30
#27 (80% of rent to DNR)	3,478.80
#19 (beds in front of harbor area, 100% to DNR)	-----
	<u>\$34,414.14</u>

By Present Classifications

A Water Dependent Commerce	\$28,722.09
B Water Oriented Commerce	5,662.05
C Other Water Dependent & Water Oriented Commerce	30.00
D All Other Uses	-----
	<u>\$34,414.14</u>

By Adjusted Classifications:

1 Water Dependent Uses, Primary	\$21,951.27
2 Water Dependent Uses, Secondary	6,770.82
3 Water Oriented Uses, Public Uses	-----
4 Water Oriented Uses, Industrial	5,692.05
5 All Other Uses	-----
	<u>\$34,414.14</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	281.40
0160 Marina Services	4,847.20
0180 Transportation Facilities	23,666.36
0181 Processing, Mfg. Uses	909.18
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming & Rafting	4,680.00
0231 Waste Treatment Outfalls	30.00
0252 Sewer Lines & Outfalls	-----
4032 Materials Removal	-----
	<u><u>\$34,414.14</u></u>

Interviews:

Jack Smith, Port of Anacortes
William J. Hodgson, Auditor, Port of Anacortes
Maria Petrish, Manager, Anacortes Chamber of Commerce
Ken Kintsel, Community Development, City of Anacortes

Material on file:

Maps by Department of Natural Resources, Dept. of Transportation, Corps of Engineers, City of Anacortes
Inventory Sheets
Data Processing Sheets
Rents detailed by classifications
Port Series No. 37, Revised 1976, U. S. Army Corps of Engineers - information on Anacortes
Port of Anacortes, WPPA Port System Study for the Public Ports, 1975
Anacortes, Harbor Area Study, 1972
Alternative Sites, West Coast Deepwater Port Facilities Study, Corps of Engineers, Public information brochure, 1973
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities, Anacortes Sites
Northwest Boat Travel brochure, May-June, 1979

Bibliography:

Reid, Middleton Associates, Inc., Port System Study for the Public Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/Part 2, 1975, Edmonds, Washington
Harbor Line Commission, Attorney General, Department of Ecology of the State of Washington, Harbor Area Study, A Report to the Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, Seattle, Washington, 1978
U. S. Army Corps of Engineers, The Ports of Port Angeles, Port Townsend, Everett, Anacortes and Bellingham, Washington, Port Series No. 37, Revised 1976
U. S. Army Corps of Engineers, Alternative Sites, West Coast Deepwater Port Facilities Study, Public Information brochure, 1973

Harbor Area Planning Project
Irene Christy
July 27, 1979

BELLINGHAM HARBOR AREA REPORT

Introduction

Bellingham, the county seat of Whatcom County, is situated on the easterly shore of Bellingham Bay. The City of Bellingham is a few miles south of the Canadian border in the northwest corner of Washington State. The Port of Bellingham covers all of Whatcom County.

Bellingham Bay is about 12 miles long and three miles wide. The bay varies in depth from 36' to 90'. A general anchorage and an explosive anchorage are located in the bay. A spoils disposal site is also located in Bellingham Bay.

Harbor lines are drawn in the southeastern half of Bellingham Bay in front of the present City of Bellingham and southward to a middle point in Chuckanut Bay. Harbor lines in Fairhaven, later Bellingham, were established in 1891. These harbor lines run south from South Bellingham along the shore to the middle of Chuckanut Bay. Harbor lines were also established just north of Fairhaven in an area called New Whatcom, now Bellingham, from the end of Fairhaven harbor lines north to one mile outside the present city limits. Harbor lines were relocated and extended in this portion of Bellingham in 1912.

Harbor lines were relocated seaward in 1971 in much of the leased harbor area. This action widened the harbor area from 600' to approximately 1000' on the east side of Bellingham Bay. It also widened the harbor area on the south side of the bay.

The Bellingham harbor area comes under the jurisdiction of the Port of Bellingham.

Present Uses

There are 20 leases in the harbor area in front of the City of Bellingham or one mile beyond the city limits.

Total acres leased amount to 160 acres out of a total of 620 acres in the harbor area in Bellingham. This is approximately one fourth of the harbor area. The balance of the harbor area is unused.

Net rent collected by Department of Natural Resources from these leases is \$59,186.12. With 160 acres leased, this amounts to \$370 per acre annual income for harbor area leases in Bellingham. Rents charged amount to \$71,308.00.

Bellingham harbor provides marine terminal facilities for receiving and shipping general and dry bulk cargo. Major commodities handled by the two

main piers--the North and the South Terminals--are logs, pulp, aluminum ingots, salt, general cargo and chemicals.¹ Leases in the harbor area are for log storage, a portion of the waste treatment ponds for a pulp mill, waste and sewer outfalls, public parks, railroad tracks, marinas, fish cannery with dock, railroad barge landing, access to tidelands from owner's property, cement, pipeline, oil pipeline, both floating and sunken barge breakwaters.

Five waterfront facilities are equipped to handle petroleum products. Three facilities are located in the City of Bellingham, two receive fuel oil for plant consumption and one receives petroleum products for local distribution. The other two waterfront facilities handling petroleum products are at Cherry Point, and are not included in the Bellingham harbor area. Mobil Oil Company and Atlantic Richfield Company operate refineries there. Their wharves are equipped for receipt of crude oil, shipment of petroleum products, and for fueling vessels.²

The area south of the South Terminal to the end of the harbor area in Chuckanut Bay is not used for harbor area uses, except for one lease where railroad tracks cross over a small bay. The area is residential. This is reflected in the Shoreline Master Program and is projected to be only residential. No industrial development is foreseen.³

Physical Environment

The saltwater coastline of Whatcom County is roughly 100 miles long. It includes outstanding natural beaches at Birch Bay and Point Roberts, harbors at Bellingham Bay and Semiahmoo Bay and supertanker capability at Cherry Point.⁴

Bellingham Bay, approximately 12 miles long and three miles wide, is open to the south and southwest. Bellingham harbor has a deepwater approach ranging from 96 feet in depth in the outer part to 24 feet near shore, except in the northerly portion, where tidal flats extend about 1/4 to 1/2 mile from shore, and where the bottom slopes gradually to deep water.

¹Washington Public Ports Association Port System Study, Volume II, Technical Supplement/Part 2, March 1975.

²U. S. Army Corps of Engineers, The Ports of Port Angeles, Port Townsend, Everett, Anacortes, and Bellingham, Wash., Port Series No. 37, Revised 1976, U. S. Government Printing Office.

³Interview with Roger Almskaar, County Planner, Whatcom County, on January 9, 1979.

⁴Overall Economic Development Plan for Whatcom County, 1978.

Heavy impact industry often requires large amounts of flat land, rail access, arterial road access, deepwater access for ocean shipping, adequate power supplies and utilities, fresh water of sufficient quality and quantity, well drained land, and a location remote from conflicting uses.⁵ These criteria are met in an area of about seven square miles north of Bellingham. The area is owned by major industrial users needing shipping facilities. This area called the Mountain View Industrial Area is in the county. Second class tidelands front this industrial area so no harbor area is or can be established for this commercial and navigational use.

There is artificial fill along much of the tidelands bordering the City of Bellingham. The shorelines, where not modified, are considered stable. Sandy outwash of the Sumas Stade underlies the surface of an outwash plain and associated meltwater channels that extend westward across Whatcom County.

There are important biological areas along most of Bellingham Bay for Bufflehead, Greater Scamp and the Northern Bald Eagle.⁶

Future Demands

Future demands involving harbor area at Bellingham Bay are listed below.

An Economic Development Administration grant has been applied for to give direction on modernization and development of the South Terminal. There will be an evaluation of the feasibility of developing the Port of Bellingham's South Terminal for seafood processing facilities. Such facilities will allow Whatcom County to take advantage of opportunities afforded by enactment of the 200-mile fishing limit, in terms of year-round employment in a traditionally seasonal resource industry.⁷

No industrial, commercial or navigational uses are planned South of the South Terminal to the Whatcom County line. The area is zoned in an interim use plan for residential use only. It is presently residential. Railroad tracks cross the harbor area three times but that is the only lease for the whole area. Chuckanut Bay is in this residential area and the city has adopted a resolution stating that an estuarine park will be developed in the northern tip of the bay.⁸ A small portion of harbor area is involved in the estuarine park.

⁵Comprehensive Plan for Whatcom County, Washington, Whatcom County Planning Commission, 1970, Fourth Draft revision, January 12, 1977.

⁶Coastal Zone Atlas of Washington, Volume I, Whatcom County, 1977.

⁷Overall Economic Development Plan for Whatcom County, 1978.

⁸Interview with Tom Glenn, Manager, Port of Bellingham on January 8, 1979.

Boulevard Park is in the planning stage and in the process of being developed for several blocks along the shore between the North and South Terminals.⁹ No industrial development is planned for the harbor area.

One possibility being considered between the proposed Boulevard Park and the North Terminal is the placing of a ship to be used as a hotel/restaurant/tourist complex. No decision has been made on whether the developer will go ahead with his plans or whether it will be put in the harbor area. The Port Manager recommends a site seaward of Hilton Avenue and next to the Georgia Pacific sewage lagoon for the ship.¹⁰

Whatcom County has submitted a grant application to the Office of Coastal Zone Management, Coastal Energy Impact Program, for a resource management planning program to direct the expansion and enhancement of energy-related industry at Cherry Point. This area is north of the City of Bellingham and not included in a harbor area, but it could have an effect on harbor area in Bellingham Bay. Elaboration of plans follows because it illustrates the changing needs of navigation and commerce.

One proposal for further development in the Mountain View Industrial Area is the establishment of a bulk cargo terminal on 100 acres waterfront for shipment of coal and other bulk commodities. Preliminary estimates suggest five to six million tons per year within the first decade. It represents an effort to divert a major quantity of energy-related cargo currently going through the Panama Canal to one major West Coast port. Shoreline at Cherry Point includes approximately 100' of shallow shore with an abrupt drop to a 90' MLLW depth. Seven miles fronting the shoreline with six square miles of uplands, with a rail spur and nearby airport facilities, make Cherry Point the most desirable deepwater port site still available for development on the West Coast of the United States.¹¹

An offshore oil rig fabrication facility to be located at Cherry Point to build drilling rigs and platforms is in the planning state. Other possibilities suggested for a deepwater port terminal at Cherry Point are the shipping of aluminum ingots presently shipped from the North Terminal and cement now being shipped by pipeline in the northern part of the harbor area.

The Port of Bellingham anticipates a renewed potential for container shipping. With the upland acreage available at Cherry Point and natural depths offshore, it is felt that the Cherry Point area is a prime location for such terminal facilities.

⁹Boulevard Park Proposed Use Areas, City of Bellingham map portion, 1978.

¹⁰Letter from Port of Bellingham, 2/6/79.

¹¹Overall Economic Development Plan for Whatcom County, 1978.

An application was received by Department of Natural Resources in early 1977 to lease 162 acres of bed near the eastern tip of Orcas Island, to be used as an offshore oil terminal. The lease has not been finalized but the possibility is still there. If developed, this could have an impact on Bellingham harbor. Also, the port manager talked about another oil refinery in Whatcom County, possibly at Cherry Point.

Analysis (Conflicts/Needs)

1. Place harbor area south of Marine Park, which is next to the South Terminal, into a withdrawn category, excepting the railroad crossing.
2. Expect redevelopment and expansion at the South Terminal for commercial fishing boats and cannery needs.
3. Be aware of development of a city park along the south shore of Bellingham Bay.
4. Expect major expansion of industrial development with resulting over-the-water construction at Mountain View Industrial Area located at Cherry Point. This area is not in the Bellingham area but is nearby.
5. Expect, sometime in the future, transferral of some cargo; probably aluminum ingots, cement and logs, from North Terminal to Cherry Point.
6. Another large oil refinery in Whatcom County, either at Cherry Point or an offshore terminal, might be built.
7. Harbor area designations are only drawn in front of incorporated cities and towns or up to one mile thereof. The original constitutional mandate might not be fulfilling the state's need for areas to be kept open for navigational and/or commercial use. Deep draft needs, large amounts of land needed for back-up space, and the enormous amounts of water used by major industrial uses such as oil refineries, aluminum plants and pulp mills, has demanded placement in areas other than harbor areas. A final recommendation on this issue will be made in the final report of all harbor areas.
8. Consider leasing the harbor area located between the dock and the pipeline to Columbia Cement Company. The configuration of the two structures blocks use to the public so a rental fee should be charged. The easements to Columbia Cement extends beyond the outer harbor line. The Department of Natural Resources should consider charging a U & O fee for the structure.

Harbor Area Planning Project
Irene Christy
1/29/79

Various Methods of Stating Rent in Bellingham Harbor Area

By Trusts

#25 (100% of rent paid to DNR)	\$35,788.75
#26 (20% of rent paid to DNR)	1,711.37
#27 (80% of rent paid to DNR)	21,105.60
#19 (100% of rent paid to DNR)	580.40
	<u>\$59,186.12</u>

By Present Classifications

Water Dependent	\$23,645.13
Water Oriented	15,076.84
Other Water Dependent or Water Oriented Uses	2,192.00
All Other Uses	18,272.15
	<u>\$59,186.12</u>

By Revised Classifications

Water Dependent, Primary	\$ 5,551.25
Water Dependent, Secondary	18,678.88
Water Oriented, Public Use	1,560.00
Water Oriented, Industrial Use	32,255.99
All Other Uses	1,140.00
	<u>\$59,186.12</u>

By Data Processing Categories

0140 Non-commercial Aquatic Uses	\$ 660.00
0160 Marina Services	3,386.00
0180 Transportation Facilities	23,547.97
0181 Processing, Manufacturing Uses	360.00
0182 Aquatic Non-water Related Uses	30,600.15
0231 Waste Treatment Outfalls	632.00
	<u>\$59,186.12</u>

Interviews:

Tom Glenn, Manager, Port of Bellingham 1/8 & 1/9/79
Bill Lausch, Harbor Master, Port of Bellingham 1/8/79
Roger Almskaar, Planner, Whatcom County
Marilyn Vogel, Short Range Planner, City of Bellingham

Materials on file:

DNR - Maps 1 & 2 Bellingham Harbor, 1971 Supplemental Map
DNR - Maps & description of harbor areas from 1972 Harbor
Area Study by Department of Ecology, DNR and Attorney General
Summary of Inventory Sheets (work sheets) of Bellingham harbor area leases
Overall Economic Development Plan for Whatcom County, 1978
Boulevard Park Sketch, City of Bellingham
Bellingham Bay, NOAA Map #18424, U.S. Dept. of Commerce
Bellingham & vicinity, Department of Transportation Map 1977
Shoreline Management Master Program, City of Bellingham, 1974
Urban Area Map of Bellingham, Department of Transportation, 1977
Whatcom County Comprehensive Land Use Plan Map 1978
Western Whatcom County official road map, 1975, County Engineering Dept.
Whatcom County Comprehensive Plan - text, updated 1978
Marina Locations, Zone 6, Survey of Marine Boat Launching & Moorage Facilities
in Washington, 1978
Bellingham, Corps of Engineers, The Ports of Port Angeles, Port Townsend,
Everett, Anacortes & Bellingham, Washington, Port Series #37, Revised
1976, U.S. Govt. Printing Office
Reid, Middleton & Associates, Port of Bellingham, Port System Study for the
Public Ports of Washington State & Portland, Oregon, Vol II, Technical
Supplement/Part 2, March, 1975
Kents detailed by classifications

Bibliography:

Port Series No. 37, U.S. Army Corps of Engineers, The Ports of Port Angeles,
Port Townsend, Everett, Anacortes & Bellingham, Washington, 1976, U.S.
Government Printing Office.
Harbor Area Study, A Report to the 43rd Legislature, 1972, by the Harbor Line
Commission, Department of Ecology, Attorney General, & Department of Natural
Resources.
Survey of Marine Boat Launching & Moorage Facilities in Washington, by Oceano-
graphic Institute of Washington, Seattle, Wash., August 18, 1978.
Reid, Middleton & Associates, Inc., Port System Study, Vol. II, Technical
Supplement/Part 2, Edmonds, Wash., March. 1975.
Washington Marine Atlas, Vol 1, North Inland Waters, Dept. of Natural
Resources, 1977.
Photo of Bellingham, on a scale of 1" = 400' with overlay illustrating where
harbor lines are.

Harbor Area Planning Project
Irene Christy
August 6, 1979

BLAINE HARBOR AREA REPORT

Introduction

Blaine is located on Drayton Harbor in the northwest corner of Whatcom County. It is situated on the U. S.-Canadian border.

Harbor lines were established in front of the town of Blaine in 1891. The harbor area runs along a portion of Semiahmoo Bay from the Canadian border south to a point midway in the southern part of Drayton Harbor.

Drayton Harbor has long tideflats with a drop-off encircling the bay. The harbor area is located just beyond the line of extreme low tide in water 18 feet deep in the portion of Semiahmoo Bay that follows the coastline and the northern part of Drayton Harbor. The pierhead line and the outer harbor line are the same. The inner harbor line was drawn 600 feet landward of these lines. No bulkhead line was established.

The Blaine harbor area comes under the jurisdiction of the Port of Bellingham.

Present Uses

There is one lease in the harbor area in Blaine. The lease is to the Port of Bellingham for a breakwater and a portion of a boat basin. The lease covers 14.16 acres. Two easements have been granted. One easement is for a 40 foot wide strip of harbor area for the city's sewer outfall. The second easement is for a 20 foot wide strip of harbor area for a submarine telephone cable. There are approximately 240 acres in harbor area in Blaine. Fifteen acres are under lease or easement.

The Port of Bellingham paid \$8,056 in annual rent for the portion of boat basin in harbor area. The City of Blaine paid a lump sum of \$50 for the easement while a telephone company paid a lump sum of \$100 for their easement.

Income from present lease amounts to \$8,056 annually. With 14 acres under lease or easement, this amounts to \$537 an acre income for harbor area leases in Blaine. Total rent charged amounted to \$10,080.00.

Physical Environment

Drayton Harbor is a 2500 acre basin. The Burlington Northern Railroad and the City of Blaine own most of the original shoreline and it is used for transportation right-of-ways. The five waterways are both federal and state-established waterways. Most locations along the shoreline are undergoing erosion. Several salt marshes represent rare sites within the county.¹

¹Master Plan, Blain City Waterfront Study, 1972.

Artificial fill has been placed over the years along the main pier. The area is now several blocks wide and approximately half a mile out into the tideflats at the northern part of Drayton Harbor. From the fill to almost as far south as the city limits the sandy outwash of the Sumas State underlies the surface of an outwash plain and associated meltwater channels that extend westward across Whatcom County.²

Only the southeastern shoreline is subject to flooding. Tideflats, consisting of sand/silt/clay, go far out into the Harbor at a gradual grade.³

The whole of Drayton Harbor is considered an important and/or critical faunal area for the Northern Bald Eagle, Canvasback, Black Brandt, Western Grebe, Red Necked Grebe and the Dunlin. The tidelands consist of beach substrates with seagrass, kelp, and other algal communities growing there.⁴

Drayton Harbor is an important spawning area for Pacific herring and the eelgrass beds provide a rearing ground for Dungeness crab. Commercial oyster beds are located in Drayton Harbor.⁵

Water quality in Drayton Harbor is listed as "extraordinary" in the Department of Natural Resources Washington Marine Atlas.

Future Demands

Future demands are not coming from constitutionally mandated navigation and commerce uses. Applications pending are for oyster cultivation and a waterfront park. Plans have been made and permits have been granted for a marina on the northwest shore of Drayton Harbor where no harbor area has been established. Many marinas have been built in harbor areas but locating in a harbor area is not a requirement.

Two leases are in the pending file. A company leasing tidelands for oyster cultivation submitted an application to lease 109 acres of harbor area for more oyster cultivation. Another application to lease is for a small portion of harbor area to be part of a 23 acre waterfront park. The park is anticipated to be built on fill from materials to be dredged for expansion of the boat basin.

²Coastal Zone Atlas of Washington, Volume I, Whatcom County, 1977.

³Ibid.

⁴Ibid.

⁵Department of Natural Resources, Washington Marine Atlas, Volume I, North Island Waters, 1977.

Another proposed use of the Blaine tidelands is the bringing in of a ship to be used as a hotel/restaurant tourist facility. Dredging will be needed through the harbor area and the tidelands if this proposal goes through.

It is questionable whether the harbor area serves the purpose for which it was originally established. Disestablishment of the harbor area should be considered.

Oyster cultivation is an unusual harbor area use. Because there is no demand for the shallow harbor area with long tideflats for constitutional uses, the requested application for leasing the harbor area should be considered.

It is recommended that the boundaries of the proposed waterfront park be adjusted to omit harbor area from the proposed fill site. Only a small portion of harbor area is to be included in the waterfront park and omission of this area would not change the purpose of the park or most of the shoreline of the 23 acre park. The Tri-Agency Park Committee is in the process of getting permits.

Analysis (Conflicts/Needs)

1. Disestablishment of the harbor area needs to be considered.
2. The requested application to lease harbor area for oyster cultivation should be considered. Dave Bateman, Assistant Attorney General, stated there were three options available to Department of Natural Resources:
 1. Lease the area as a non-conforming use on an interim base subject to present and future needs of navigation and commerce.
 2. Vacate the harbor area because it is unsuitable now for commerce and navigation.
 3. Move harbor lines waterward thereby creating first class tidelands available for leasing.

Since harbor lines cannot be moved or relocated except for the purpose for which they were established - namely for conveniences of navigation and commerce - this last option probably is the least likely to happen.

3. Request the Tri-County group to change the proposed waterfront park boundaries so it will not fall within the harbor area. If the harbor area is disestablished, this action will not be necessary.
4. There are several heavy industrial uses requiring shipping facilities at Cherry Point, a few miles south of Drayton Harbor, the Blaine harbor area. There are two refineries and an aluminum plant with plans for more major industries there. A bulk cargo terminal and an off-shore rig fabrication plant will need structures on the second class tidelands and bed. The shoreline features of Cherry Point include approximately 100 feet of shallow shore which drops abruptly to a 90 foot MLLW depth. These features, combined with a six square mile, industrially zoned area necessary for a shipping terminal development as well as a rail spur, nearby international airport facilities and a nearby interstate freeway make Cherry Point a most desirable deepwater port site.⁶ No harbor area has been established at this site because this area is not located within an incorporated city or town or within one mile thereof. This use of second class tidelands demonstrates a need for redefinition of a harbor area.

⁶Whatcom County Overall Economic Development Plan, 1978; plus talks with Tom Glenn, Manager of the Port of Bellingham.

Harbor Area Planning Project
Irene Christy
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Interviews:

Bill Lausch, Harbormaster
Tom Glenn, Manager, Port of Bellingham
Roger Almskaar, Planner, Whatcom County

Blaine Harbor Area File:

DNR Orthophoto Map of Drayton Harbor
DNR Harbor Area Map
Master Plan, Blaine City Waterfront Study
Data Processing sheets on each DNR lease
Marine Locations, Survey of Marina Boat Launching and Moorage
Facilities in Washington, Aug. 18, 1978, Oceanographic Institute, Seattle
Summary of Inventory Sheet for Blaine Harbor Area
Harbor Area Study, 1972, A Report to the Legislature, by the Harbor Line
Commission, Dept. of Ecology, Attorney General, and Dept. of Natural Resources
Rents detailed by classification
U. S. Engineer Office Map dated 12/22/39

Bibliography:

Harbor Area Study, A Report to the Legislature, by the Harbor Line Commission,
Dept. of Ecology, Attorney General, and Dept. of Natural Resources, 1972
Master Plan, Blaine City Waterfront Study, 1972
Whatcom County Overall Economic Development Plan, 1978
Comprehensive Land Use Plan for Whatcom County
Washington Marine Atlas, Volume 1, North Inland Waters, 1977
Coastal Zone Atlas of Washington, Volume 1, Whatcom County, 1977

VARIOUS METHODS OF STATING RENT IN BLAINE HARBOR AREA	
By Trusts: #27 (80% of rent to DNR)	\$8,056.
By Present Classifications: Water Dependent Commerce	8,056.
By Adjusted Classifications: Water Dependent Uses, Secondary	8,056.
By Date Processing Categories: 0181, Processing, Manufacturing Activities Requiring Waterfront Location	8,056.

Harbor Area Planning Project
Irene Christy
July 18, 1979

BREMERTON HARBOR AREA REPORT

Introduction

Bremerton Harbor is located in Kitsap County on Sinclair Inlet and can be reached via Rich Passage from Puget Sound. Rich Passage is south of Bainbridge Island, north via Agate Pass and the Port Orchard Channel. Dyes Inlet runs northwestward from Sinclair Inlet.¹

The harbor area at Bremerton was established December 1, 1911. The outer harbor line was located 200 or more feet offshore. The inner harbor line was located at the boundary line between the state-owned tidelands and uplands. Where the tidelands had been sold by the state, the inner harbor line was located coincident with the outer boundary of tidelands.

The Supplemental Map of Bremerton approved December 7, 1914 revised the boundaries of the Public Place and waterways.

A portion of the waterway lying northeasterly of Public Place No. 1 was vacated on December 23, 1921.

The waterway lying southwesterly of and adjacent to Public Place No. 1 was vacated September 5, 1941. This waterway lay between the inner and outer harbor lines, and upon vacation became harbor area subject to lease under the harbor area leasing statutes.

The waterway lying west of and adjacent to the Public Place formed by the projection of Dock Street was vacated on July 9, 1945. This waterway lay between the inner and outer harbor lines and upon vacation became harbor area subject to lease.

The 1958 Supplemental Map eliminated the Public Place and the waterway lying southerly thereof, in the vicinity of First Street. This map was filed in the office of the Commissioner of Public Lands on July 2, 1958.²

The public port district boundaries for the Port of Bremerton comprise roughly of the southern two thirds of Kitsap County on the west side of Puget Sound. The Port of Bremerton includes two cities that have harbor areas: Bremerton and Port Orchard. There are three harbor areas in the Port of Bremerton jurisdiction - one being Charleston harbor area, but Charleston was annexed to Bremerton.

¹Reid, Middleton & Associates, Port System Study for the Public Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/ Part 2, March, 1975.

²1972 Harbor Area Study.

Present Uses

The Department of Natural Resources presently holds 16 leases and 5 easements in the harbor area fronting the City of Bremerton. Acres of harbor area leased amount to 27.40 acres. Total acres included in harbor area are approximately 105 acres. This is about one-fourth percent of the harbor area leased at this time.

Rents collected by the Department of Natural Resources from these leases amounts to \$10,011.18. This amounts to approximately \$365.35 annual income per acre of leased harbor area. Total amount charged for Bremerton harbor area leases was \$11,451.18.

The Port of Bremerton has no deepwater commercial shipping activities. The U. S. Naval Shipyard has deepwater docking facilities in Bremerton, but the Bremerton harbor area extends only as far as the Navy Shipyard so there are no harbor area leases with the federal government.

There are two ferry landings in Bremerton, one is the ferry to Seattle and the smaller ferry is a 10-minute ride across Sinclair Inlet to Port Orchard.

Three public marinas are in the harbor area. One boat moorage has overhead pipelines for unloading oil. This pipeline runs 15 feet past the outer harbor line.

An apartment complex with private moorage is going to be built in the harbor area. The Harbor Line Commission approved the 30-year lease on September 17, 1977. A few of the apartments and some parking stalls would also be constructed in the harbor area, so approval by the Harbor Line Commission was needed.

An oil company tank farm leases a small portion of the harbor area for a pier.

Physical Characteristics

The City of Bremerton is almost surrounded by water. The shorelines are subject to less than one percent chance of flooding during any year. The slopes are stable with the shoreline modified with riprap and the high water line has been modified. There are varying quantities of sand and gravel which are of limited quality.³

Future Demands

A barge terminal is in future plans for the Port of Bremerton. Presently this is planned for the area southwest of the city of Sinclair Inlet, outside the harbor area. This would not be developed in the 25 acres set aside to be kept undeveloped at Gorst but northeast of the undeveloped area.

An apartment complex is contemplated on the uplands of a presently leased boat moorage site.

³Coastal Zone Management Atlas, 1979.

Harbor Area Planning Project

Irene Christy

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Analysis (Conflicts/Needs)

1. The harbor area does not extend one mile beyond the city limits on either side.
2. The port manager believes Department of Natural Resources appraisals, or rents, aren't consistent. He recommends a sliding scale of charging rent in harbor areas - with non-constitutional uses high and port uses, such as marinas and terminals, low. The public versus private, or commercial use.
3. The port manager recommends that the department use the term "granted lands" rather than aquatic lands. He believes that's a more accurate description.
4. Consider need for a U & O charge for the 15-foot extension into the harbor area on HA 2396.

METHODS OF STATING RENT IN BREMERTON HARBOR AREA

Total Annual Income to DNR from harbor area leases \$10,011.18

By Trusts:

#25 (100% of rent to DNR)	\$ 9,651.18
#26 (20% of rent to DNR)	360.00
#27 (80% of rent to DNR)	-----
#19 (bed in front of harbor area, 100% to DNR)	-----
	<u>\$10,011.18</u>

By Present Classifications:

Water Dependent Commerce	9,579.18
Water Oriented Commerce	-----
Other Water Dependent and Water Oriented Commerce	372.00
All Other Uses	60.00
	<u>\$10,011.18</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	4,183.90
Water Dependent Uses, Secondary	4,908.42
Water Oriented Uses, Public Uses	216.00
Water Oriented Uses, Industrial	156.00
All Other Uses	546.86
	<u>\$10,011.18</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	1,198.92
0160 Marina Services	2,651.36
0180 Transportation Facilities	5,704.90
0182 Aquatic Non-water Related Use	360.00
0190 Log Booming and Rafting	-----
0231 Waste Treatment Outfalls	96.00
	<u>\$10,011.18</u>

Harbor Area Planning Project
Irene Christy
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Interview:

Joe Baier, Industrial Development Director, Port of Bremerton

Materials on file on Bremerton Harbor Area:

Maps by DNR, Dept. of Transportation, Kroll Map Company
Harbor Area Study information on Bremerton harbor lines
Inventory sheets
Data Processing sheets
Rents detailed by classifications

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of the State
of Washington, Harbor Area Study, A Report to the Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching &
Moorage Facilities in Washington, Seattle, Washington, 1978
University of Washington Cartographic Laboratory, Coastal Zone Management Atlas -
Kitsap County 1979

Erene Christy
Harbor Area Planning Project
July 18, 1979

CHARLESTON HARBOR AREA REPORT

Introduction - Charleston is located on the north side of Sinclair Inlet and is situated between Navy Yard City and the Puget Sound Naval Shipyard. It was once a city but has been annexed to the City of Bremerton.

The harbor area at Charleston, now Bremerton, was established in January, 1913. The outer harbor line was located in Sinclair Inlet in water approximately 30 feet deep at mean low water. The inner harbor line was then drawn parallel to and 150 feet landward from the outer harbor line.¹

Charleston's harbor area activities would fall under the jurisdiction of the Port of Bremerton now because the area has been annexed to the City of Bremerton.

Present Uses - The Department of Natural Resources holds one lease in the Charleston harbor area. This is for a waste treatment outfall for the City of Bremerton.

There are approximately 20.4 acres in the harbor area with .10 acres leased. The lease covers both harbor area and bed with .13 acres of bed leased for the same outfall pipe. Rent charged is \$100.00 annually with the sum divided \$56.00 to bed accounts and \$44.00 to the harbor area account.

There are no other leases granted.

Physical Environment - The shorelines are subject to less than one percent chance of flooding during any year. The slopes are stable with the shoreline modified with riprap and the high water line has been modified. There are varying quantities of sand and gravel, which are of limited quality.²

Future Uses - The northeast portion of the harbor area is located within and in front of the Puget Sound Naval Shipyard. Any development would be a continuation of those uses.

Analysis (Conflicts/Needs)

1. Reassess need for a harbor area at Charleston.

¹ Harbor Area Study, 1972

² Coastal Zone Management Atlas, 1979

Irene Christy
Harbor Area Planning Project
Page 2

Interviews:

Joe Baier, Industrial Development Director - Port of Bremerton

Material on file on Charleston Harbor Area

Maps by DNR, Dept. of Transportation, Kroll Map Company
Harbor Area information on Charleston from the 1972 Harbor Area Study
Inventory sheet
Data Processing sheet
Rent detailed by classifications

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of the
State of Washington, Harbor Area Study, A Report to the Legislature,
1972
Coastal Zone Management Atlas, Kitsap County, 1979

VARIOUS METHODS OF STATING RENTS IN CHARLESTON HARBOR AREA

Total Annual Income to DNR from harbor area leases	\$100.00
By Trusts:	
#25 (100% of rent to DNR)	44.00
#19 (bed in front of harbor area, 100% to DNR)	56.00
By Present Classifications:	
Other Water Dependent and Water Oriented Uses	100.00
By Adjusted Classifications:	
Water Oriented Uses, Industrial	100.00
By Data Processing Categories:	
0231 Waste Treatment Outfalls	100.00

Harbor Area Planning Project
Irene Christy
April 19, 1979

COSMOPOLIS HARBOR AREA REPORT

Introduction: Cosmopolis is located in Grays Harbor County in southwestern Washington. The deepwater entrance to Cosmopolis from the Pacific Ocean lies between Point Brown in the north and Point Chehalis on the south. This entrance is 40 nautical miles north of the mouth of the Columbia River. Cosmopolis is southeast of Aberdeen on the Chehalis River.

Cosmopolis harbor areas fall under the jurisdiction of the Port of Grays Harbor, which is a county-wide public port district.

The harbor area at Cosmopolis was established in December 1891. The outer harbor line was located on the Chehalis River generally parallel with and 100 feet riverward as measured at right angles from the government meander lines on either side of the Chehalis River. The inner harbor line was then generally located coincident with the government meander lines. The Cosmopolis harbor line joins with the Aberdeen harbor lines.

No changes have been made in Cosmopolis harbor lines.

Present Uses - The Department of Natural Resources presently holds no leases and one easement in the Cosmopolis harbor area. The easement is for a water line to transport water from Lake Aberdeen to a pulp mill in Cosmopolis. A charge of \$75 was made in 1957 for an easement of the right of way for the water line.¹

Physical Characteristics - The U. S. Army Corps of Engineers maintains a channel up the Chehalis River through Hoquiam and Aberdeen. The dredged channel ends before Cosmopolis city limits. No ships travel to Cosmopolis.

Future Demands - There appear to be no plans for future use of the harbor area in Cosmopolis.

Analysis (Conflicts/Needs) - The harbor area is not used.

¹Total acreage in the easement is .19 acres with a total of 50 acres in harbor area.

Harbor Area Planning Project
Irene Christy
April 6, 1979

EDMONDS HARBOR AREA REPORT

Introduction

The City of Edmonds is located on Puget Sound in the southwestern corner of Snohomish County. It is directly north of the town of Woodway in Snohomish County and a few miles north of Seattle in King County.

The harbor area at Edmonds was established in 1891. The outer harbor line was located in water having a depth of approximately 30 feet at mean low tide. In some places, though, the outer harbor line is located in water having a maximum depth of nearly 70 feet and a minimum depth of approximately 15 feet at mean low tide. The inner harbor line was located parallel with and 600 feet landward from the outer harbor line.

One change has been made in harbor lines in Edmonds. The inner harbor line north of the ferry terminal was relocated in 1972 to change a site from harbor area to first class tidelands. This was done to accommodate a municipal underwater park, an artificial reef and for park purposes.

Present Uses

The Department of Natural Resources presently holds nine leases and several easements in the harbor area in Edmonds. Total acres leased amount to 56.27 acres. This is approximately one sixth of the 320 total acres available for use. The balance of the harbor area is either withdrawn or not now leased.

Rents collected for leases in the Edmonds harbor area total \$16,918.76. Total rent charged amounts to \$22,128.77. With 56.27 acres leased, this amounts to \$300 per acre annual income for harbor area leases in Edmonds. Total rent charged amounts to \$22,128.77.

Edmonds has a recreation - oriented water front with two oil refineries south of the city limits. One refinery is in the harbor area and the other refinery, farther south, is not.

The underwater park with artificial reef is located directly north of the ferry landing. A public fishing pier is located next to the park with no development or structures in the harbor area north of that point.

A larger, newer public fishing pier was recently constructed just north of the breakwater. The fishing pier crosses the breakwater and extends into the harbor area in front of a portion of the breakwater, which was built to protect the marina. In 1977, an Inter Agency Committee agreement was signed establishing an artificial reef and park next to the fishing pier.

The Edmonds harbor area comes under the jurisdiction of the Port of Edmonds.

The Union Oil Company pier is partially outside the outer harbor line and has been for some time. A Use and Occupancy file was established to charge for this use of the bed, but it was never completed.

The Edmonds Yacht Club does not have its own moorage. The public port district sets aside two hundred berths for club members in its marina.

Physical Environment

Railroad Tracks are laid all along the Edmonds shoreline. Highway 1-5 is approximately three miles from the Edmonds waterfront.

The shoreline in Edmonds where the marinas, the parks and the ferry landing are located is relatively flat. Bluffs are the norm in the north half of the harbor area and the area is almost completely in residential use.

Future Demands

No development is anticipated north of the underwater park and the old fishing pier. Some development is planned in the underwater park. This area is now in first class tidelands with a strip of harbor area in front of the park that probably should be put into the withdrawn classification. The public fishing pier north of this underwater park is on old rotting pilings. Some new lumber has been put into the fence on the walkway of the pier. More work will need to be done if it will be used as a fishing pier for the balance of the 30-year lease term.

The Port of Edmonds is planning on future expansion of thier marina in the area between the two marina sites, behind and to one side of the Edmonds Yacht Club. The port authorities plan to dredge 60,000 cubic yards of material from the site. This will enable them to put in an additional 96 marina berths.

The City of Edmonds owns portions of a narrow strip of tidelands and uplands between the ferry landing south to the public fishing pier near the breakwater. The city would like to make this strip of shore into a city park to make more of the waterfront available to the public. If the land is purchased and the strip is designated a city park, any use of the harbor area will probably be restricted and the Department of Natural Resources should consider placing it in a withdrawn classification. The area would be abutting a public beach which is one criterion for the withdrawn classification.

The City of Edmonds is now negotiating with Union Oil Company for a park site on company-owned land along the shore and across the railroad tracks for a large area for a minimal fee, hopefully a dollar a year. Union Oil's harbor area lease would front on this site so no structures or use of the tidelands or harbor area by the public is anticipated.

Analysis (Conflicts/Needs)

1. The Department of Natural Resources should be aware that the City of Edmonds is trying to purchase some land for a strip park along the water's edge, which will call for establishment of a withdrawn classification.
2. The Union Oil Company pier is partially outside the outer harbor line south of the Port of Edmonds marina. In 1977 a U and O file No. 0275 was established but it was never completed so no rent has been paid for the use of the bed of navigable waters under the U and O.

VARIOUS METHODS OF STATING RENT IN EDMONDS HARBOR AREA

Rent to DNR from harbor area leases	<u>\$16,918.76</u>
-------------------------------------	--------------------

By Trusts:

#25 (100% of rent to DNR)	\$13,590.00
#26 (20% of rent to DNR)	1,167.42
#27 (80% of rent to DNR)	2,161.34
#19 (beds in front of harbor area, 100% to DNR)	-----
	<u>\$16,918.76</u>

By Present Classifications:

Water Dependent Commerce	\$16,578.76
Water Oriented Commerce	-----
Other Water Dependent and Water Oriented Commerce	340.00
All Other Uses	-----
	<u>\$16,918.76</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$13,706.00
Water Dependent Uses, Secondary	3,212.76
Water Oriented Uses, Public Uses	-----
Water Oriented Uses, Industrial	-----
All Other Uses	-----
	<u>\$16,918.76</u>

By Data Processing Categories:

0071 Other Governmental recreation Sites	\$ 220.00
0140 Non-Commercial Aquatic Sites	120.00
0160 Marina Services	2,812.76
0180 Transportation Facilities	13,766.00
0181 Processing, Mfg. Uses	-----
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming and Rafting	-----
0231 Waste Treatment Outfalls	-----
0252 Sewer Lines and Outfalls	-----
4032 Materials Removal	-----
	<u>\$16,918.76</u>

Harbor Area Planning Project
Irene Christy
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Interviews:

Leo Torvinen, Manager, Port of Edmonds (March 29, 1979)
James Jessel, Recreation Planner, City of Edmonds
Dan Smith, Shoreline Planner, City of Edmonds
Jerry Hann, Reid, Middleton and Associates, Port Planners

Materials on file:

Edmonds DOT city map, 1973
DNR map of harbor area leases
Edmonds city map of Environmentally Sensitive Areas
Edmonds Harbor Small Boat Basin Map, 1973
Edmonds Shoreline Master Program
Inventory Sheets
Data Processing Sheets
Marina Locations, Zone 2, Survey of Marine Boat Launching and Moorage Facilities in Washington, 1978
Rents detailed by classifications
Edmonds, Harbor Area Study, A Report to the 43rd Legislature, by the Harbor Line Commission, Department of Ecology and Attorney General, 1972

Bibliography:

Harbor Line Commission, Department of Ecology and the Attorney General, Harbor Area Study, A Report to the Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, Seattle, 1978

Harbor Area Planning Project
Irene Christy
May 23, 1979

EVERETT HARBOR AREA REPORT

Introduction

Everett is located on the east side of Port Gardner Bay at the mouth of the Snohomish River. Everett is situated 28 miles north of Seattle and 105 nautical miles from the Pacific Ocean.

The harbor area at Everett was established by the Harbor Line Commission on May 31, 1913.

The outer harbor line was located in Port Gardner Bay approximately 700 feet seaward of the line of mean low water. The inner harbor line was drawn parallel to and 500 feet landward from the outer harbor line for about 1,900 feet along the southwesterly line. The inner harbor line for about the northerly 2,200 feet of the harbor area was drawn parallel to and 600 feet landward as measured at right angles from the outer harbor line. The inner harbor line between these two areas was made coincident with the outer boundary of tidelands previously sold by the State.

The outer harbor line in the vicinity of the northern terminus of Everett Harbor was relocated in July 16, 1943 to be coincident with the federal pierhead lines. The inner harbor lines were located coincident with the boundaries of tidelands previously sold and those established by a new survey. The Port of Everett apparently filled in a portion of Port Gardner about 1930 beyond the outer harbor line established in 1913. Then during World War II, a shipyard was built on this fill plus additional fill was added. The legislature in 1943 authorized and directed the Commissioner of Public Lands to resurvey and relocate the harbor line and authorized the Harbor Line Commission to approve such resurvey and relocation in order that certain tidelands could be conveyed to the Port of Everett.¹

In 1958 that portion of the waterway lying southerly of the established public place fronting Hewitt Avenue and easterly of the inner harbor line was vacated.

The 1977 Supplemental Map of Everett Harbor Area showed the outer harbor line, waterways and public place as revised, eliminated and reestablished. This was adopted on February 7, 1978, by the Harbor Line Commission in Resolution 230.

Present Uses

The Department of Natural Resources presently holds six leases, one Use and Occupancy permitted use, three easements and one materials purchase agreement

¹1972 Harbor Area Study.

in the harbor area at Everett. The acres used in the harbor area amount to 45.87. Total acres set aside for harbor area amount to 115 acres. This means approximately 40 percent of the harbor area is leased.

Rent collected by the Department of Natural Resources from these uses amounts to \$16,725.00. Total rent charged amounts to \$24,675.76. This amounts to approximately \$365.00 annual income per acre.

Everett's harbor area is used mainly for handling alumina, logs and wood products. The Everett harbor area comes under the jurisdiction of the Port of Everett.

Physical Characteristics

The harbor extends southward from Preston Point at the mouth of the Snohomish River. The northerly 2 1/2 miles of the harbor are essentially on the river delta. This northerly portion is shallow and generally bare at low tide except for a dredged channel through which the flow of the river is partially diverted southward to Port Gardner by means of a training dike. The Snohomish River flows north through and along the east side of the City of Everett and west along its northern limits to a natural outlet at Preston Point. Smith Island is a delta formation on the north side of the river at its mouth.²

A number of projects have been completed by the U. S. Army Corps of Engineers in the Everett harbor. A training dike 12,550 feet with a spur dike of 400 feet was built. This is now called Jetty Island. The channel has been maintained at 30 feet in Port Gardner Bay and a channel eight feet deep is maintained a distance of about 6.3 miles up the Snohomish River to the head of Steamboat Slough.

The tidal range between mean lower low water and mean higher high water is 11.1 feet with a mean range of 7.4 feet.³

Jetty Island presently consists of 230 acres of uplands and 1,650 acres of wetlands and tideflats stretching in front of the city.

Port officials viewed Jetty Island as a major piece of port-owned property, ripe for development. A group of Everett citizens organized to protect the island from development. Two lawsuits were filed by citizen activists which resulted in preventing two fills - one in the Snohomish River and the other in the estuary which was proposed to create a land bridge to Jetty Island. The recreational potential of the west edge of the island is recognized by the city's Park and Open Space Plan and its Comprehensive Plan. The island is becoming a nesting and feeding grounds for many species of birds. A well-protected harbor and shallows lying behind Jetty Island provide a good storage and handling area for the many log rafts in the Everett harbor.

²Board of Engineers for Rivers and Harbors, Corps of Engineers, Port Series No. 37, Revised 1976, The Ports of Port Angeles, Port Townsend, Everett, Anacortes and Bellingham, Washington, Government Printing Office.

³Ibid.

Future Demands

In 1977 an agreement was signed between the public port district and the citizen activists after mediation services were provided by the office of Environmental Mediation at the University of Washington. It was agreed that there will be development of the port area beginning with areas adjacent to present development with no development of Jetty Island until there is a regional demand and financial feasibility. The port would not develop or encourage development north of Preston Point. With development, an equal amount of land on Jetty Island would be set aside for conservation purposes. Development at the south end of Jetty Island is considered to be a possibility in the distant future. Mediation has helped the Port of Everett and the community to plan jointly for long term needs of the economic growth of the community and for preservation of environmentally sensitive areas.

Plans call for filling in Western Gear Extension with possibility of a fishing pier on the river side of the area. Fill also is planned between Piers 1 and 3 and the Scott Paper leased site to make a wharf. Harbor lines were changed in 1978 to make this development possible.

Analysis (Conflict/Needs)

1. No leases have been signed for the new harbor area created by the Harbor Line Commission in February 1978. Log rafts are being stored there at the site before any filling is done. Log rafts have been stored there for a long time so possibly another type lease is in effect at this time. No record of such leases have been found.

Various Methods of Stating Rent in Everett Harbor Area

Rent to DNR from harbor area leases	\$16,725.00
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By Trusts:

#25 (100% of rent to DNR)	\$12,653.40
#26 (20% of rent to DNR)	1,926.00
#27 (80% of rent to DNR)	1,809.60
#19 (beds in front of harbor area, 100% to DNR)	336.00
	<u>\$16,725.00</u>

By Present Classifications

Water Dependent Commerce	\$14,554.40
Water Oriented Commerce	2,145.60
Other Water Dependent & Water Oriented Commerce	-----
All Other Uses	25.00
	<u>\$16,725.00</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$14,554.40
Water Dependent Uses, Secondary	-----
Water Oriented Uses, Public Uses	-----
Water Oriented Uses, Industrial	2,145.60
All Other Uses	25.00
	<u>\$16,725.00</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	-----
0160 Marina Services	-----
0180 Transportation Facilities	14,554.40
0181 Processing, Mfg. Uses	-----
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming & Rafting	2,145.60
0231 Waste Treatment Outfalls	-----
0252 Sewer Lines & Outfalls	-----
4032 Materials Removal	25.00
	<u>\$16,725.00</u>

Harbor Area Planning Project
Irene Christy
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Interviews:

Ken Kirkland, Port of Everett, Marine Terminal Manager

Materials on file on Everett Harbor Area:

Maps by Department of Natural Resources, Department of Transportation, Corps of Engineers, National Oceanic and Atmospheric Association, City of Everett Automobile Club of Washington
Harbor Area Study, 1972, information on Everett harbor area
Data Processing Sheets
Inventory Sheets
Rents detailed by classification
Port Series No. 37, Revised 1976, U. S. Army Corps of Engineers, information on Everett
Port of Everett, information from Port System Study for the Public Ports in Washington State and Portland, Oregon, 1975
City of Everett, Shoreline Master Program, 1976
Article from Everett Herald, February 11, 1978, on changing harbor lines
Article from Environmental Consensus, December, 1978, RESOLVE, Center for Environmental Conflict Resolution
Port of Everett brochure

Bibliography:

Board of Engineers for Rivers and Harbors, The Ports of Port Angeles, Port Townsend, Everett, Anacortes and Bellingham, Washington, Port Series No. 37, Revised 1976
Reid, Middleton and Associates, Inc., Port System Study for the Public Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/ Part 2, Edmonds, Washington, 1975
City of Everett, Shoreline Master Program, 1976
RESOLVE, Center for Environmental Conflict Resolution, Environmental Consensus, December 1978
Harbor Line Commission, Attorney General, Department of Ecology of the State of Washington, Harbor Area Study, A Report to the Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, Seattle, Washington, 1978

Harbor Area Planning Project
Irene Christy
December 11, 1978

Gig Harbor Area Report

Introduction

Gig Harbor is located in Pierce County northwest of Point Defiance, which is located within the City of Tacoma.

The harbor area was established in 1974 by the Harbor Line Commission upon the request of the mayor of Gig Harbor.

The harbor area at Gig Harbor comes under the jurisdiction of the Port of Tacoma.

Present Uses

The Department of Natural Resources holds 25 leases in the harbor area in Gig Harbor. Rent collected for those leases amounts to \$4,267.00.

Total acres leased amount to 7.27 acres. A number of leases are still not finalized since the harbor area was established so the acreage and the rental income will be higher than shown on the attached sheet. Approximately one fourth of the total 30 acres in harbor area is leased. The average annual income per acre amounts to \$586.00.

Most leases are for private docks for fishing boat moorage, with some leases for marinas and an oil fueling dock. One site is leased for floating herring nets. The upland owner had leased this area for this purpose when the new harbor area was still a bed of navigable waters and is a continued use.

Physical Characteristics

Gig Harbor is on the west side of Colvos Passage across from Point Defiance, which is located in the City of Tacoma. It is a small bay into which the North Creek and Crescent Creek empties.

Future Demands

Gig Harbor is being developed as a colorful tourist area with many fishing vessels at piers leased for private use and with boats tied up in marinas. No more development is planned.

Harbor Area Planning Project
Irene Christy
Page 2

Analysis (Conflicts/Needs)

1. There is a need to finish changing over bed leases to harbor area leases.
This process has been slowed due to questions of accuracy of survey lines.

Various Methods of Stating Rent in Gig Harbor Area

Rent to DNR from harbor area leases	<u>\$4,267.00</u>
-------------------------------------	-------------------

By Trusts:

#25 (100% of rent to DNR)	\$4,222.00
#26 (20% of rent to DNR)	-----
#27 (80% of rent to DNR)	-----
#19 (beds in front of harbor area, 100% to DNR)	45.00
	<u>\$4,267.00</u>

By Present Classifications:

Water Dependent Commerce	\$3,560.00
Water Oriented Commerce	417.00
Other Water Dependent and Water Oriented Commerce	290.00
All Other Uses	-----
	<u>\$4,267.00</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 125.00
Water Dependent Uses, Secondary	3,560.00
Water Oriented Uses, Public Uses	-----
Water Oriented Uses, Industrial	290.00
All Other Uses	-----
	<u>\$4,267.00</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	\$ -----
0140 Non-Commercial Aquatic Sites	-----
0160 Marina Services	2,660.00
0176 Floating Herring Nets	240.00
0180 Transportation Facilities	1,317.00
0181 Processing, Mfg. Uses	-----
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming and Rafting	-----
0231 Waste Treatment Outfalls	50.00
0252 Sewer Lines and Outfalls	-----
4032 Materials Removal	-----
	<u>\$4,267.00</u>

Harbor Area Planning Project
Irene Christy
Page 4

Interviews:

Don Mosman, deputy executive director, Port of Tacoma
Gary Kucinski, planner, Port of Tacoma

Gig Harbor file, available for perusal:

Map by DNR
Summary of Inventory Sheets (Work Sheets)
Rents detailed by classification
Data processing Sheets on each DNR lease
Marina locations

Harbor Area Planning Project
Irene Christy
April 30, 1979

HOQUIAM HARBOR AREA REPORT

Introduction

Hoquiam is located on the Chehalis River in Grays Harbor County in southwestern Washington. The deepwater entrance to Hoquiam from the Pacific Ocean lies between Point Brown on the North and Point Chehalis on the South. This entrance is 40 nautical miles north of the mouth of the Columbia River. The City of Aberdeen is situated east of Hoquiam.

Hoquiam harbor activities fall under the jurisdiction of the Port of Grays Harbor, which is a county-wide public port district.

Hoquiam harbor lines were established in January, 1913.¹

At Hoquiam there are three channels in Grays Harbor - the North, the South, and the Middle Channels. Harbor areas were established on each side of the North Channel and along the shoreline south of the South Channel.

It appears that outer harbor lines were located as nearly as practical in waters having a depth of 10 feet at mean low tide. The inner harbor lines were then drawn parallel to and 300 feet from the outer harbor line, except on the north side of the North Channel where the inner harbor line was drawn at the line of mean lower low water. This action resulted in a harbor area width varying from a minimum of 50 feet to a width of 300 feet directly in front of the City of Hoquiam. The harbor line at this north side of the North Channel extends a distance up the Hoquiam River.

The outer harbor line on the north side of the North Channel was relocated in 1977 for an area about six blocks long running from a point where Ontario Street would extend to the outer harbor line to the city limits. The harbor area expanded from 300 feet to 435.444 feet wide at the Hoquiam/Aberdeen city limits to join Aberdeen's relocated outer harbor line.

Present Uses

The Department of Natural Resources presently holds 11 leases, a number of easements for pipelines and outfalls, and two leases for materials purchase in the Hoquiam harbor area. Total acres leased are 131.44. Total acres in Hoquiam harbor area are approximately 415 acres. This means that slightly less than one

¹Harbor Area Study, 1972.

third of the harbor area is under lease. There are no leases in the South Channel harbor area. Portions at the west end of the harbor area on both sides of the North Channel are not leased.

Rent collected from leases of the Hoquiam harbor area is \$18,544.20.² This averages out to \$141.00 per acre annual rent. Most of the income is from log storage with approximately two thirds of the leased harbor area used for that purpose. With 84.07 acres leased for log storage, the average annual rent per acre amounts to \$186.00. Total rent charged amounts to \$22,804.20.

Hoquiam's harbor area is presently used mostly for log storage. It is anticipated that this use will be eliminated within the next five years or so. Logs will be stored on dry land as most of the logs will be coming in by truck.³

The Grays Harbor Estuary Management Plan, which includes Hoquiam and the harbor area, was initiated in 1975 to coordinate planning and public participation requirements of the Shoreline Management Act after the Corps of Engineers proposed deepening the 30-foot channel to a 40-foot channel in the Chehalis River. This deepening of the channel would include the North Channel fronting the City of Hoquiam. A model master plan was developed and all participating local governments subsequently adopted it with minor revisions. The Grays Harbor Regional Planning Council is the lead agency in the Estuary Management Study. All affected parties, including the regulatory agencies' representatives, were included in the planning process. The resulting plan will bind all parties to specific land and water use allocations and should facilitate processing of permits required for site-specific projects.⁴

Physical Characteristics

Grays Harbor is roughly pear shaped, diverging from the Chehalis River at the Hoquiam/Aberdeen city limits into a broad shallow bay. When the tide goes out, more than half of the estuary is in mud flats. Streams and rivers flowing into the estuary besides the Chehalis River, are the Humptulips, Hoquiam, Wishkah, Johns and Elk Rivers.

²This figure includes using the latest figure, for 1976-77, for HA 2385. The area is again being leased but the lease has not been finalized as of this writing so the new rental figure is not available. Also, the use is given as "log storage," which is how it has been used. This use will be changing, too.

³Interview with Henry Soike, Manager, Port of Grays Harbor.

⁴Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehuda Hayuth, Under New Management, a Washington Sea Grant Publication, University of Washington, 1978.

During the past 75 years it is estimated that 100 million cubic yards of sediments have been dredged, redistributed within or removed from the estuary.⁵

The present channel, which is the North Channel fronting the City of Hoquiam, is now maintained at a 30-foot depth and is 350 feet wide from deep water in Grays Harbor to Cow Point, which is about where Terminal 4 is located in Aberdeen, not far from the Hoquiam city limits. From Cow Point upriver, the channel is 30 feet deep and 200 feet wide to a point $4 \frac{1}{8}$ miles upstream from the Union Pacific Railroad bridge.

The present channel will be deepened from 30 feet to 40 feet, if the present plans are carried out. A big issue is where to put the dredge spoils, with two major sites pinpointed for filling and future industrial development. It is estimated that initial dredging will produce about three million cubic yards of material.⁶

One site to be filled in Hoquiam and just west of Hoquiam, is the area around Bowerman Field on Moon Island. Most of the fill would be north of Bowerman Field with some filling south of the field. The airfield will be relocated and the field and the newly filled area are to be used for water dependent uses. Only "T" piers or other structures will be permitted at the navigational channel, with very limited filling permitted. This area is planned to be one of the major areas of new economic expansion in Grays Harbor.⁷ Destruction of a highly productive estuarine environment is seen as necessary.

The other site is the South Shore site in South Aberdeen, near the Hoquiam/Aberdeen city limits. It too, is planned for industrial development. The channel is approximately 10 feet deep at that site and it is not on the main navigation channel so harbor area use will be limited.

Future Demands

The Grays Harbor Estuary Management Plan has looked at future needs. The activity having a great effect on the estuary for the people living in the surrounding area, for the fishery resource, and for the general economy of Grays Harbor, is the channel deepening and realignment proposed by the U. S. Army Corps of Engineers. This project will allow for more shipping with bigger and deeper draft ships able to use the facilities. The Port of Grays Harbor is planning on expanding their industrial sites available for leasing, using much of the dredged materials as fill. This provides a benefit from the dredging as well as a cost factor. It

⁵U. S. Army Corps of Engineers, Maintenance Dredging and the Environment of Grays Harbor Washington, Summary Report, January, 1977, p. 82.

⁶U. S. Army Corps of Engineers, Maintenance Dredging and the Environment of Grays Harbor Washington, Summary Report, January, 1977, p. 82.

⁷Montagne - Bierly and Associates, Wilsey and Ham, Grays Harbor Estuary Management Plan, Preliminary Draft, January, 1978, pp. 46, 47, 48.

will also provide a negative effect on a very productive estuarine environment north of Bowerman Field and Moon Island and on the South Side of the airfield because that is a migration route of fish.

Most of the harbor area is leased for log storage, as stated earlier. With the changing method of log storage, from water to upland sites, many leases will expire and will not be renewed.⁸

Anticipated areas filled for industrial development along the Hoquiam shoreline, with new piers as the need arises, will increase the demand for the presently unused harbor area or the areas now leased for log storage.

No leases are in force for the harbor area along the South Channel of Grays Harbor. The 10-foot depth is restrictive and there are no plans presently for deepening the channel.

A landfill on the west side of the mouth of the Hoquiam River is in the works. The area is diked almost up to the inner harbor line. A permit was granted to a steel corporation for an offshore oil drilling rig assembly yard based on the assertion that the national offshore energy development policy superseded fisheries habitat protection.⁹ Plans fell through for that use but the port plans to use the site for water related and/or water dependent heavy industrial use. The harbor area will be used for piers to load and/or unload cargo after the site is developed.

⁸Interview with Henry Soike, Manager, Port of Grays Harbor.

⁹Under New Management, 1978.

Analysis (Conflicts/Needs)

1. No leases are in force for harbor area along the South Channel of Grays Harbor. The 10-foot depth is restrictive and there are no plans for deepening the channel. Department of Natural Resources might question the need for this harbor area.
2. New piers will be built at the proposed industrial site at the present Bowerman Field and Moon Island. Another pier is intended at the west side of the mouth of the Hoquiam River.
3. A railroad company has challenged in court the need for railroads to pay rent for a right of way on State lands. The company believes they are exempt under State law. The outcome of this suit could have an effect on Department of Natural Resources management policies.
4. The old Hoquiam Fish Base juts into harbor area with a tip of the pier in the vacated waterway just east of the site. No lease on this dilapidated pier.

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Various Methods of Stating Rent in Hoquiam Harbor Area

By Trusts

#25 (100% of rent paid to DNR)	\$17,429.20
#26 (20% of rent paid to DNR)	1,065.00
#27 (80% of rent paid to DNR)	-----
#19 (100% of rent paid to DNR)	50.00
	<u>\$18,544.20</u>

By Present Classifications

Water Dependent	\$ 2,663.40
Water Oriented	15,695.80
Other Water Dependent or Water Oriented Use	100.00
All Other Uses	85.00
	<u>\$18,544.20</u>

By Revised Classifications

Water Dependent, Primary	\$ 2,663.40
Water Dependent, Secondary	-----
Water Oriented, Public Use	-----
Water Oriented, Industrial Use	15,795.80
All Other Uses	85.00
	<u>\$18,544.20</u>

By Data Processing Categories

0140 Non Commercial Aquatic Uses	\$ 64.80
0160 Marine Services	-----
0180 Transportation Facilities	2,663.40
0181 Processing-Manufacturing Use	-----
0190 Log Booming & Rafting	15,631.00
0231 Waste Treatment Outfalls	100.00
4032 Materials Purchase	85.00
	<u>\$18,544.20</u>

IC/nr

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Irene Christy
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Interviews:

Henry E. Soike, Manager, Port of Grays Harbor
Stanley L. Lattin, Planner, Port of Grays Harbor

Materials in file on Hoquiam Harbor Area

Maps by DNR, DOT, COE
Resolution No. 228 relocating harbor line in Hoquiam, November 1977
Harbor Area Study, 1972, information on Hoquiam harbor lines
Inventory Sheets
Data Processing Sheets
Rents detailed by classifications
Port Series, Series No. 35, Revised 1975, U. S. Army Corps of Engineers, Specific
information on Hoquiam
Port of Grays Harbor, information from Port System Study for the Public Ports in
Washington State and Portland, Oregon, 1975
Port of Grays Harbor brochure
Summary of Grays Harbor Estuary Management Plan

Bibliography

U. S. Army Corps of Engineers, Port Series No. 35, Revised 1975, The Ports of Tacoma, Grays Harbor, and Olympia, Washington
Reid Middleton and Associates, Inc., Port System Study for the Public Ports of Washington State and Portland Oregon, Volume II, Technical Supplement/ Part 2, 1975, Edmonds, Washington
Harbor Line Commission, Attorney General, Department of Ecology of the State of Washington, Harbor Area Study, A Report to the Legislature, 1972
Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehuda Hayuth, Under New Management, Port Growth and Emerging Coastal Management Programs, University of Washington Press, 1978
Grays Harbor Estuary Management Plan

Harbor Area Planning Project
Irene Christy
June 5, 1979

ILWACO HARBOR AREA REPORT

Introduction

Ilwaco is located on Baker Bay in Pacific County in the far southwestern portion of the state. A 10 foot deep channel in Baker Bay connects Ilwaco with deep water at the mouth of the Columbia River.

The harbor area was established by the Harbor Line Commission on September 15, 1892. The outer harbor line was located in water having a depth varying from about 10 feet to 30 feet at low tide. The inner harbor line was then run parallel to and 600 feet landward. At the extreme southern end the width of the harbor area was reduced to 100 feet, because of the shallowness of Baker's Bay.

A portion of the Dalton Waterway and a small portion of the Holman Waterway were vacated by Commissioner's Order on July 11, 1974. Ownership of the vacated portions of waterway was not transferred to the Port of Ilwaco but state ownership was retained and the vacated areas leased back to the public port district.

Vacation of the Seaborg Waterway as requested by the Port of Ilwaco was denied on July 26, 1974.

Ilwaco's harbor area is in the jurisdiction of the Port of Ilwaco.

Present Uses

There are presently no leases for the harbor area. Two types of leases were held; one was for purchase as dredged materials, and the other was for drilling and sampling tests. There is a long mooring basin and breakwater inside the harbor area. The mooring basin and support facilities are used for recreational and commercial fishing boats. The harbor lines run south past the Town of Ilwaco past Fort Canby State Park and out to Cape Disappointment. The U. S. Coast Guard has a station there with a pier, building and a narrow strip of land about 600 feet long in the southernmost portion of harbor area.

Physical Characteristics

The Ilwaco harbor area is in the southwestern portion of the State of Washington situated in Baker Bay. Dredge spoils have been dumped from channel dredging and have made mud flats in places in this shallow bay. Extreme shoal conditions exist throughout Baker Bay. The East Channel was authorized in 1935 to provide a channel 200 feet by 10 feet from the east end of Sand Island to Ilwaco, a distance of five miles. Consideration is being given to dredging a new deeper channel east of the present channel or straightening the present channel.

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The Coast Guard Station at Cape Disappointment requires periodic dredging. The Coast Guard has lease rights to the land area east of Jetty A, which is at the southernmost tip of Cape Disappointment. Part of this area has the potential for use as a dredged material disposal site.

Wetlands and water areas in the Baker Bay Unit of the Shoreline Management Master Plan are designated predominantly for resource protection due to their importance to the natural function of the estuarine ecosystem. While most biologically productive areas are protected, some primarily wetlands adjacent to the Port of Ilwaco are designated for potential fill to allow for port expansion.

Future Demands

Expansion of the mooring basin is in the discussion stage. As a part of C R E S T (Columbia River Estuary Study Taskforce) plans are being made to expand the mooring basin into the present harbor area and beyond, quite a ways.

The port is changing some berths over from holding 50-foot boats to 70-foot boats due to the expanding bottom fish industry. Processing plants are in operation and are expanding. This new demand plus greater recreational fishing is the basis for expansion.

Analysis (Conflicts/Needs)

1. A request for moving the outer harbor line waterward will be forthcoming in the next few years if expansion goes as planned.
2. Rental increase by the Department of Natural Resources for port use of the Dalton Waterway has gone up approximately 70% this year. The port questions the need for such a jump.
3. The Port of Ilwaco had wanted to have the Dalton Waterway vacated five years ago to enable them to purchase the vacated waterway. The site is in the middle of the mooring basin. They were told by Department of Natural Resources personnel that it could not be purchased. They are not pleased to have their rent jump 70% this revaluation period. The waterway was vacated in 1974 but the title did not vest in the public port district in the method stated in RCW 79.01.472. The state retained ownership.
4. The U. S. Coast Guard has a dock, a building and a narrow strip of land about 600 feet long in the harbor area. No harbor area lease is on file for the site. The Coast Guard is challenging the Department's request to pay rent due to their right of navigational servitude in another harbor area. Even if this is the reason no rent is charged for the use of harbor area in Ilwaco, the Department of Natural Resources needs to keep a record of this use.

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Interviews:

Robert C. Petersen, Port of Ilwaco
Clerk, City of Ilwaco
Planner, Planning Dept., Pacific County, South Bend

Materials on file on Ilwaco Harbor Area:

Maps by DNR, DOT, CREST
1972 Harbor Area Study on Ilwaco
Columbia River Land & Water Use Plan: Baker Bay Unit
Dredged Material Disposal Plan, Baker Bay element
Port of Ilwaco Comprehensive Marina Plan - 1970
Port of Ilwaco, Technical Assistance Preapplication, 1979

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of
the State of Washington, Harbor Area Study, A Report to the
Legislature, 1972
Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea,
Yehuda Hayuth, Under New Management, Port Growth & Emerging
Coastal Management Programs, University of Washington Press, 1978
Dredged Material Disposal Plan, Baker Bay Element, 1979
Columbia River Estuary Land & Water Use Plan, Baker Bay Unit,
CREST, 1977
Port of Ilwaco, Technical Assistance Preapplication, 1979

Irene Christy
Harbor Area Planning Project
March 8, 1979

KALAMA HARBOR AREA REPORT

Kalama Harbor is located on the north bank of the Columbia River at its confluence with the Kalama River. Kalama Harbor is ten nautical miles south of Longview and 30 miles north of Vancouver.

The Kalama harbor area falls under the jurisdiction of the Port of Kalama. The harbor area was established at Kalama February 16, 1922. The outer harbor line was located in the Columbia River in water having a depth of about 30 feet at extreme low tide. The depths actually range from a minimum of about six feet to a maximum of about 40 feet. The inner harbor line was then drawn parallel to and 100 feet landward for approximately the northerly three fifths of the harbor area and 50 feet for the remaining two fifths of the harbor area.

The harbor area has been used as a spoil deposit site for sand dredged from the Columbia River in connection with navigation channel improvement. The toe of this spoil bank, along with protective riprap and groins, was beyond the outer harbor line.²

The outer harbor line was relocated in May, 1975, to include this area. The change is shown in the 1975 Supplemental Map of Kalama Harbor.³

Present Uses: There are six leases and one easement in the harbor area in front of the Town of Kalama and the constitutional one mile beyond the city limits. Total acres leased amount to 39.55 acres out of a total of 125 acres included in harbor area in Kalama. This amounts to slightly less than one third of the total harbor area leased.

Net rent collected by Department of Natural Resources from these leases amounts to \$4,001.28. With 39.55 acres leased, this amounts to \$101.00 average per acre income. Rent charged amounts to \$4,923.60.

Major activities in the harbor area are the new marina, log booming, waterfront park, public boat launch, and a sewer outfall. Kalama Chemical has a large pier 680' long, but it is on first class tidelands so does not have a harbor area lease. The depth is about 40 feet. Kalama Chemical owns 120 acres of land

¹ Reid, Middleton & Associates, Inc., Edmonds, Washington Port Study System for the Public Ports of Washington State & Portland, Oregon, Volume 11, 1975

² Harbor Line Commission, The Attorney General, Dept. of Ecology, A Report to the 43rd Legislature of the State of Washington, 1972 Harbor Area Study, 1972

³ Department of Natural Resources Supplemental Map of Kalama Harbor, 1975

just north of the port industrial development property. This is at the north end of the harbor area. The company receives toluene by vessel and fuel oil by barge at their pier. Toluene is used in the making of glue for the plywood industry. Toluene is discharged from ships via pipeline to shoreside tanks.⁴

The area between the marina and Kalama Chemical is used for log rafts for the forest products industries situated there.

A marina was recently built inside the spit in the center of the harbor area. The spit was partly outside the harbor area before the outer harbor line was relocated in 1975.

The Port of Kalama has developed a park site in harbor area south of the marina. A copy of an unsigned Interagency Agreement dated 1975 was given to me by port officials when I asked about the site. The Agreement grants use of the site rent-free to the port for 30 years. A lease document found in HA 2349 lease jacket was not signed, either. The lease document shows an annual rental fee of \$325 would be charged. Port of Kalama officials would like to have this transaction completed.

South & outside the harbor area is the North Pacific Grain Growers Wharf. This large grain terminal is owned by the Port of Kalama and leased to the North Pacific Grain Growers Association. The terminal consists of a grain elevator, grain storage and a public dock. It is used to transfer grain from barges, trucks and railroad cars to storage and then to ocean going carriers for foreign trade.⁵

Physical Environment: The Columbia River main channel is dredged and maintained at a 40 foot depth and a 600 foot width. Dredged material has been put on port property and in the harbor area for some time. The spit protecting the marina is from dredged materials and is rippapped with protective groins. The dredged material presently is dumped on private property between the port office and the grain terminal. According to the port manager, the dredged spoil material is being sold.

The grain terminal is 600 feet long, 805 feet long if dolphins are included. It is an offshore wharf with ship berth on waterside and barge berthing facilities on shoreside. Water depth is 35 feet.

Burlington Northern railroad tracks are in rear of the grain elevator. Eighty percent of the grain arrives by rail car. All three major transcontinental railroads use the tracks jointly. These are the Burlington Northern, Union Pacific and the Milwaukee Road

⁴Reid, Middleton & Associates, Inc. Edmonds, Washington Port Study System for the Public Ports of Washington State & Portland, Oregon, Volume II, 1975.

⁵Reid, Middleton & Associates, Inc. Edmonds, Washington Port Study System for the Public Ports of Washington State & Portland, Oregon, Volume II, 1975.

Interstate 5 provides easy access to the Port of Kalama. Trucks carry grain to the grain terminal and lumber for the lumber industry. Easy access to the marina from I-5 is provided.

Future Demands: The new marina is now 64% filled. Its capacity is 222 slips.⁶ Future expansion plans for the marina call for some dredging behind the spit near the road. In 1977 the marina and public launch area was dedicated with Governor Dixie Lee Ray participating in the ceremonies.

A restaurant has been proposed next to the marina. The request to build a restaurant on fill next to the marina in harbor area was approved by the Harbor Line Commission in 1977. The restaurant has not yet been built. The port is still looking for a tenant.

Virginia Chemical, at the south end of the harbor area, has not expanded as planned. Expansion is still possible for Virginia Chemical at this industrial site.

The Corps of Engineers is filling tidelands north of the harbor area and plans to build a revetment there. Some time in the future the port plans to build a pier and develop the site for industrial development.⁷

Weyerhaeuser has announced its plan to build a log mill on the Kalama waterfront at a cost of \$11 million. Weyerhaeuser is planning on building deepwater docking facilities to serve the mill in front of their site, north of the City of Kalama, with harbor area fronting much of the property.

Analysis (Conflicts/Needs)

1. There is a need to sign the interagency Agreement and the Department of Natural Resources lease document for harbor area file HA 2349 to complete the transaction for the park site.
2. Dredged spoils from the Columbia River are put on private property and are being sold, according to port officials. Department of Natural Resources personnel should check to see if we are charging for the material being sold, which is the normal procedure.
3. Any wharf needed in the future, either by port or private interests, should be built in the harbor area. A pier is presently being planned by Weyerhaeuser for the industrial area north of the city.

⁶Oceanographic Institute of Washington, Seattle, Washington. Survey of Marine Boat Launching & Moorage Facilities in Washington, 1978.

⁷Interview with John Fratt, Manager, Port of Kalama, February 16, 1979.

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4. There is a need to fill up the new marina. This should come in time.
5. A major industry for Kalama has closed its doors. Pope & Talbot used the harbor area for log storage through a lease granted to the port. In the Town of Kalama a loss of 350 jobs is catastrophic so the port is looking for some way to help Pope & Talbot or to find a new tenant.
6. Department of Natural Resources has two photos of the Kalama harbor area, one showing Kalama Chemical inside the inner harbor line and the other photo with about half of the dock in harbor area. A determination needs to be made where the lines are because if the dock is inside the harbor area, a lease should be written.

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Interviews

John Fratt, Manager, Port of Kalama
Dennis Burchett
Jack Wicker

Materials on file

Maps by DNR and Port of Kalama
Reid, Middleton and Associates, Inc., Edmonds, Washington, Port System Study for the Public Port of Washington and Portland, Oregon, Volume II, Technical Supplement/Part 2, 1975
Corps of Engineers, U. S. Army, The Ports of Coos Bay and Astoria, Oregon, Longview and Vancouver, Washington, and Ports on Columbia River, Port Series No. 33, Revised 1975
Harbor Line Commission, The Attorney General and The Department of Ecology, Harbor Area Study for the 43rd Legislature, 1972
Data Processing Sheets on each lease
Inventory Sheets
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, 1978

Bibliography

Reid, Middleton and Associates, Inc., Edmonds, Washington, Port System Study for the Public Port of Washington and Portland, Oregon, Volume II, Technical Supplement/Part 2, 1975
Corps of Engineers, U. S. Army, The Ports of Coos Bay and Astoria, Oregon, Longview and Vancouver, Washington, and Ports on Columbia River, Port Series No. 33, Revised 1975
Harbor Line Commission, The Attorney General and The Department of Ecology, Harbor Area Study for the 43rd Legislature, 1972
Data Processing Sheets on each lease
Inventory Sheets
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, 1978

Various Methods of Stating Rent in Kalama Harbor

By Trusts

#25 (100% of rent paid to DNR)	\$ 312.00
#26 (20% of rent paid to DNR)	-----
#27 (80% of rent paid to DNR)	3,689.28
#19 (100% of rent paid to DNR)	-----
	<u>\$4,001.28</u>

By Present Classifications

Water Dependent	\$2,448.00
Water Oriented	1,553.28
Other Water Dependent or Water Oriented Use	-----
All Other Uses	-----
	<u>\$4,001.28</u>

By Revised Classifications

Water Dependent, Primary	-----
Water Dependent, Secondary	2,448.00
Water Oriented, Public Use	-----
Water Oriented, Industrial Use	1,553.28
All Other Uses	-----
	<u>\$4,001.28</u>

By Data Processing Categories

0140 Non Commercial Aquatic Uses	\$ 312.00
0160 Marina Services	2,448.00
0180 Transportation Facilities	-----
0181 Processing-Manufacturing Use	-----
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming & Rafting	-----
0231 Waste Treatment Outfalls	1,241.28
0252 Sewer Lines & Outfalls	-----
	<u>\$4,001.28</u>

Harbor Area Planning Project
Irene Christy
July 11, 1979

LA CONNER HARBOR AREA PROJECT

Introduction

La Conner is located in Skagit County on the east side of the Swinomish Slough, now called the Swinomish Channel since the channel has been dredged between Skagit Bay and Padilla Bay.

The harbor area at La Conner was established in January, 1893. The harbor area is located on the east side of Swinomish Channel as is the Town of La Conner. The outer harbor area was located generally about 150 to 300 feet offshore and parallel to the shoreline. The inner harbor line was then drawn parallel and 100 feet landward. The width of the harbor area was reduced to 50 feet for about three blocks in the center of town, apparently for the reason that structures were already built out over the water and were to be excluded from the harbor area.

The public port district having jurisdiction at La Conner is the Port of Skagit County. The port does not cover all of Skagit County but does cover the county eastward of Swinomish Channel and from the western end of Bay View Ridge.

Present Uses

The Department of Natural Resources presently holds 47 leases in the harbor area at La Conner. Acres of harbor area leased amounts to 15.86 acres. This is slightly more than half of the harbor area leased at this time as there are 30 acres total in the harbor area fronting La Conner.

Rent collected by the Department of Natural Resources from these leases amounts to \$16,194.49. This amounts to approximately \$1,021.00 annual income per acre of the leased harbor area. Total rent charged amounts to \$17,140.05.

There are no deep draft vessels coming in to La Conner because the channel is only 12 feet deep.

The Port of Skagit County maintains a large marina along the channel with two boat basins. The port leases 6.60 acres for the marina structures. The approximate 600 moorages are full and a waiting list is maintained by the port. Dry land storage facilities, about 4 stacks high, is new and rental rates include one free launch and retrieval per week by port personnel. The port marina adopted a strict policy on liveaboards at the La Conner Marina.¹

¹Port of Skagit County, Resolution 77-11, July 13, 1977.

The Town of La Conner has established public areas at a number of street endings and has established public docks for visitors at those sites. A water hydrant will be installed soon at the end of Washington Street near the town's visitors' dock.

There is a small industrial section near the southern end of the harbor area with a freight lines company and a cannery located there. A section with piers for moorage is next to this area. The area is leased by the town.

This historic town is listed on both the state and national Historical Register including about five blocks of the buildings along the shore and partially in the harbor area included in that designation.²

Many of the structures extend beyond the outer harbor line, including some buildings listed on the national Historical Register, and little attention is paid to staying within the harbor area. The federal pierhead line is 15 feet waterward of the outer harbor line which might be a reason for discounting the outer harbor line as a construction limit line.

Physical Characteristics

The Swinomish Channel is generally from 400 to 600 feet wide with the recent channel dredged from 8 feet³ to 12 feet deep⁴ and 100 feet wide. This recent dredging plus eroding wave action caused unexpected problems to the pilings under the old buildings lining the east shore of the Channel. The Corps of Engineers, who did the dredging, replaced some of the pilings but townspeople now believe the final solution would be to build a permanent seawall. Because the center of the historic shopping district is on the state and national Historical Register, the town is applying to the Corps of Engineers, the state and the federal governments for funds to build the seawall.⁵

Buildings in this area jut out past the outer harbor line. A problem can arise for Department of Natural Resources if the town wants to build the seawall out beyond the outer harbor line.

The narrow, protected channel is used often by recreation and fishing boats as a time-saving short cut. The Swinomish Channel makes it unnecessary for the boats to go through Deception Pass and around Fidalgo Island to get to Padilla Bay and north.

²Map of La Conner, City Map.

³U. S. Corps of Engineers Port Series No. 37, Revised 1976.

⁴U. S. Corps of Engineers File No. E-6-3-246, Swinomish Channel.

⁵Interview with George Lown, Public Works Manager, La Conner.

Future Uses

The town will continue to develop its historic sites with the waterfront as a focus. A seawall is in the planning state for the eastern shore of the Swinomish Channel. Where the seawall is located and how much fill might be needed is a question the Department of Natural Resources will become involved in because the seawall probably will be built on State-managed harbor area and/or bedlands.

The Port of Skagit County's marina is continuing to expand by building two piers, one of which will be a gas float 600 lineal feet to be located 50 feet beyond the outer harbor line.

Analysis (Conflicts/Needs)

1. The new gas float to be built beyond the outer harbor line is a conflict of interpretation of uses allowed beyond the outer harbor line.
2. The location of the hoped-for seawall to protect some of the historic buildings in La Conner might need to be relocated to stay within Department of Natural Resources management guidelines of the harbor areas. If Department of Natural Resources encourages building the seawall along the outer harbor line, the continual encroachment beyond the outer harbor line could be stopped. The harbor area is only 50 feet wide along this area and was jogged apparently to avoid taking in the buildings.⁶ If some historical research is done on just which buildings were built at the time the harbor lines were drawn, where exactly the buildings were located, and when additions were made, the Department would have facts on which to base a decision on location of the seawall if it is to be placed on State-managed land.
3. Many structures are built beyond the outer harbor line. A continuation of this policy adds to the problem. Possibly this problem could be dealt with when reviewing aquatic land laws or when funds are obtained for building the seawall.
4. No Use and Occupancy agreements seem to be written for uses beyond the outer harbor line. Leases generally don't acknowledge any structures waterward of the harbor area. Some record should be kept of this bed use.

⁶1972 Harbor Area Study.

Various Methods of Stating Rent in La Conner Harbor Area

Rent to DNR from harbor area leases

By Trusts:

#25 (100% of rent to DNR)	\$12,412.25
#26 (20% of rent to DNR)	-----
#27 (80% of rent to DNR)	3,782.24
#19 (beds in front of harbor area, 100% to DNR)	-----
	<u>\$16,194.49</u>

By Present Classifications

Water Dependent Commerce	\$ 8,450.09
Water Oriented Commerce	-----
Other Water Dependent & Water Oriented Commerce	6,985.40
All Other Uses	759.00
	<u>\$16,194.49</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 2,518.35
Water Dependent Uses, Secondary	6,402.74
Water Oriented Uses, Public Uses	3,333.60
Water Oriented Uses, Industrial	-----
All Other Uses	3,939.80
	<u>\$16,194.49</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	\$ 500.00
0140 Non-Commercial Aquatic Sites	2,741.40
0160 Marina Services	5,985.24
0180 Transportation Facilities	4,325.85
0181 Processing, Mfg. Uses	240.00
0182 Aquatic Non-Water Related Use	2,402.00
0190 Log Booming & Rafting	-----
0231 Waste Treatment Outfalls	-----
0252 Sewer Lines & Outfalls	-----
4032 Materials Removal	-----
	<u>\$16,194.49</u>

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Irene Christy
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Interviews:

John Anderson, Port of Skagit County
George Lown, Public Works Manager, Town of La Conner
Bob Graff, Marina Manager, Port of Skagit County

Material on File:

Maps by Department of Natural Resources, Corps of Engineers, Town of La Conner
Corps of Engineers, Port Series No. 37, Revised 1976, The Ports of Port Angeles, Port Townsend, Everett, Anacortes (includes La Conner) and Bellingham, Washington
Harbor Line Commission, the Attorney General and the Department of Ecology of the State of Washington, Harbor Area Study, 1972, specific materials on La Conner
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Port of Skagit County information on port activities
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Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, Seattle, Washington, 1978
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Department of Natural Resources Unauthorized Use and Occupancy Policy, 1973

Harbor Area Planning Project
Irene Christy
May 21, 1979

MARYSVILLE HARBOR AREA REPORT

Introduction

Marysville is located in Snohomish County north of the City of Everett and east of the Tulalip Indian Reservation. Marysville is situated on Ebey Slough which empties into Possession Sound.

The harbor area at Marysville was established by the Harbor Line Commission in February, 1892. The harbor area is located on the north side of Ebey Slough. The slough's average width is about 600 feet. The outer harbor line was located parallel to and 50 feet from the government meander line. The inner harbor line was located coincident with the government meander line.¹

There is no public port district in Marysville.

Present Uses

The Department of Natural Resources holds six leases and one easement in the harbor area. Acres of harbor area leased total 8.15 acres, all for log storage. This figure does not show any leases or income from use of harbor area lying within the Tulalip Indian Reservation, which amounts to approximately half of the harbor area in Marysville. Department of Natural Resources does not show any leased areas in the reservation. I did not check the harbor area on the reservation because the Department of Natural Resources does not manage that portion of the harbor area. Total acres included in the Department of Natural Resources portion of harbor area amount to 10 acres.

Rent collected by the Department of Natural Resources from the six leases in the Department of Natural Resources managed harbor area amounts to \$1,789.00. This amounts to approximately \$219.50 per acre. These sites are all leased for log storage. The easement is for sewer lines and outfalls. Total rent charged for harbor area leases amounts to \$1,789.00.

There was one section of harbor area near the Indian Reservation that seemed to be using harbor area but there was no indication that it was leased from Department of Natural Resources. Also, there were two companies (a mill and a boat sales and marina) using the Slough that don't seem to have a lease. The sites are located between Welco Lumber Company lease and the Garka Mill lease. I checked with Gary LaMarsh, Welco Lumber Company, who said the Marina was not on his lease. Going southeast from Welco was a slough, emptying into Ebey Slough, where the Geddis Marina was mainly located, then came the D & R Cedar Company. The D & R Cedar Company was located on Ebey Slough with an old boat ramp and an old gas pump between the two properties. Neither ramp nor pump looked used.

¹1972 Harbor Area Study

Harbor Area Planning Project
Irene Christy
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Mr. Valerie of D & R Cedar said they rent some of the waterfront from Mr. Geddis. Mr. Geddis was not in the office or in the shop so he was not contacted.

The Geddis Boat Sales & Marina Company has a small dock with two log rafting boats tied up there.

A large sign on the south side of Ebey Slough, across from the D & R Cedar Company reads "cable crossing", but no easement or lease is shown in Marysville harbor area leases.

Physical Characteristics

Ebey Slough is a long, rambling slough with the Marysville harbor area near its entry into Possession Sound. It is just north of the mouth of the Snohomish River and seems to be a part of the estuarine environment that includes the Snohomish River and forms part of the natural drainage system, just north of the City of Everett.

Future Demands

The area will continue to be used for log storage. The marina and public boat launching ramp west of the Welco lease will continue to be needed. No other uses are anticipated.

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Analysis (Conflicts/Needs)

1. Department of Natural Resources should check further to see if a section of harbor area needs to be put under lease.
2. The cable crossing should be noted in the Department of Natural Resources records.

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Interview:

Mr. Valerie, D & R Cedar Company
Gary LaMarsh, Welco Lumber Company
City Clerk, Town of Marysville

Materials in File on Marysville Harbor Area:

Maps by Department of Natural Resources, Department of Transportation
Inventory sheet
Data Processing sheets
Portion of 1972 Harbor Area Study relating to Marysville

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of the
State of Washington, Harbor Area Study, A Report to the Legislature, 1972

VARIOUS METHODS OF STATING RENT IN MARYSVILLE HARBOR AREA

Rents by classification in Marysville harbor area:

By Trusts: #25 (100% of rent to DNR)	\$1,789.00
By Present Classifications: Water Oriented Commerce	\$1,789.00
By Adjusted Classifications: Water Oriented Uses, Industrial	\$1,789.00
By Data Processing Categories: 0190 - Log Rafting & Booming	\$1,789.00

Harbor Area Planning Project
Irene Christy
December 4, 1978

Olympia Harbor Area Report

Introduction

Olympia is located on Budd Inlet in Thurston County at the southernmost part of Puget Sound. Olympia is the state capital.

The harbor area was established in Olympia in 1891. The outer harbor line was located 600 feet and from the line of low tide on the western side of Budd Inlet and 300 feet out on the eastern side. The inner harbor line was then located 600 and 300 feet landward and parallel to the outer harbor line. At the southern end the width of the harbor area was reduced to 100 feet.

A portion of the Capitol Waterway was vacated and platted as first class tidelands in 1904. Another portion of the Capitol Waterway was vacated in 1926.

A portion of the inner harbor line was relocated on the port peninsula in 1953. This relocation created a block of first class tidelands amounting to 61.9 acres which was then conveyed to the public port district.

The Deschutes Waterway lying south of the north line of Fourth Avenue West was vacated in 1944.

In 1976 the outer harbor line was adjusted waterward to include structures that had been built out past the outer harbor line. At the same time a public place was established in nearby harbor area for transient moorage.

The outer harbor line along the west side of the port peninsula was relocated waterward in 1978 to include port improvements in the harbor area. At the same time, the Government Waterway was moved eastward in the East Bay to allow for filling of the port peninsula and for exchanging or relocating harbor area around the old Government Waterway for tidelands at the tip of the port peninsula.

The harbor area located at Olympia comes under the jurisdiction of the Port of Olympia.

Present Uses

The Department of Natural Resources holds 26 leases in the harbor area fronting the City of Olympia. Leased acres in the Olympia harbor area amounts to approximately 40 percent of the harbor area with most of the port Peninsula and the west side harbor area leased.

Rent collected by the Department of Natural Resources for harbor area leases amounts to \$57,898.94. This averages out to approximately \$393.00 annual income per acre. Total rent charged amounted to \$65,493.40.

Almost the entire port peninsula consists of fill material. More filling will take place with the action taken by the Harbor Line Commission in 1978 to relocate the waterway and the harbor area in East Bay at the request of the public port district. The expansion will make more cargo space for the port district and will provide for parking and support services for the new 800-slip marina to be built.

The west side of the West Bay is devoted mainly to lumber mills, a large marina, a log dump, and a boat repair and welding shop.

The Olympia Yacht Club is located at the base of West Bay. Transient moorage, several marinas and boat support service facilities line the west side of the peninsula next to the port district terminal area.

Residences line the east side of the harbor area with an historic park along the shoreline.

Physical Characteristics

The County Shoreline Master Program designates the marine waters Conservancy to the mean sea level at which point the landward designation begins. Exceptions are the waters beyond 10 fathoms which shall be Natural and waters in Budd Inlet south of a line due west from Priest Point Park which shall be Urban.

Future Demands

Presently predicted growth is for the port peninsula. For the long term future, the public port district would like to develop another deepdraft terminal on the west side of the bay. The port district has begun a land purchase program to accomplish that goal.

Any industrial or commercial development will probably be restricted to presently leased harbor area because of steep banks, residential use or parks.

Analysis (Conflicts/Needs)

1. Maps for the Olympia harbor area demonstrate that a newer method of mapping harbor areas is needed. There should be some way that all harbor lines drawn in a harbor area can be placed on one map, including any changes made in street endings or waterways. It is not only time consuming to check a number of maps, each located in a different drawer or cubby hole, but errors can occur. For instance, the Third Supplemental Map of Olympia is dated 1963. Another Supplemental Map for Olympia harbor area is dated 1976. The Fourth Supplemental Map of Olympia is dated 1978. A numbering system for keeping accurate records is needed. Two minor errors were noted on Plate 1 of the Fourth Supplemental Map of Replat of a Portion of Olympia Tidelands and Harbor Area, 1978. One incorrect original harbor line was drawn and the East Bay Road is marked West Bay, which is incorrect and could be confusing to anyone using the map.

Various Methods of Stating Rent in Olympia Harbor Area

Rent to DNR from harbor area leases	<u>\$57,898.94</u>
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By trusts:

#25 (100% of rent to DNR)	\$51,096.10
#26 (20% of rent to DNR)	1,575.00
#27 (80% of rent to DNR)	5,177.84
#19 (beds in front of harbor area, 100% to DNR)	50.00
	<u>\$57,898.94</u>

By Present Classifications:

Water Dependent Commerce	\$39,460.68
Water Oriented Commerce	17,338.26
Other Water Dependent & Water Oriented Commerce	100.00
All Other Uses	1,000.00
	<u>\$57,898.94</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 4,594.68
Water Dependent Uses, Secondary	34,866.00
Water Oriented Uses, Public Uses	-----
Water Oriented Uses, Industrial	17,438.26
All Other Uses	1,000.00
	<u>\$57,898.94</u>

By Date Processing Categories:

0071 Other Governmental Recreation Sites	\$ -----
0140 Non-Commercial Aquatic Sites	2,748.78
0160 Marina Services	31,491.00
0180 Transportation Facilities	5,490.00
0181 Processing, Mfg. Uses	-----
0182 Aquatic Non-Water Related Use	1,000.00
0190 Log Booming & Rafting	17,069.16
0231 Waste Treatment Outfalls	100.00
0252 Sewer Lines & Outfalls	-----
4032 Materials Removal	-----
	<u>\$57,898.94</u>

Irene Christy
Harbor Area Planning Project
12/4/78

Interviews:

Gene Sibold, manager, and Dick Malin, planner, Port of Olympia, 10/26/78
Randall Orth, planner, Thurston County Planning Department, 10/24/78

Olympia Harbor Area file, available for perusal:

Maps by DNR, Corps of Engineers, City of Olympia Shoreline Master Program,
Port of Olympia plan of proposed development, DNR Marine Atlas.
Harbor Area Study, 1972, A Report to the Legislature, by the Harbor Line
Commission, Dept. of Ecology, Attorney General, and Dept. of Natural
Resources
Summary of Inventory Sheets (work sheets) for Olympia Harbor Area
Rents detailed by classifications
Port Series #35, U. S. Army Corps of Engineers, specific information on
uses in Olympia Harbor
Data processing sheets on each DNR lease
Marina locations from study by Oceanographic Institute of Washington, 1978.

Bibliography:

Port Series No. 35, U. S. Army Corps of Engineers, The Ports of Tacoma,
Grays Harbor, and Olympia, Wash., 1975, U. S. Govt. Printing Office.
Harbor Area Study, A Report to the 43rd Legislature, Dec. 1972, by the
Harbor Line Commission, Attorney General, Dept. of Ecology, and Dept.
of Natural Resources.
Shoreline Master Program for City of Olympia
Survey of Marine Boat Launching and Moorage Facilities in Washington, by
Oceanographic Institute of Washington, Seattle, Wash., Aug. 18, 1978.

Harbor Area Planning Project
Irene Christy
June 25, 1979

PORT ANGELES HARBOR AREA REPORT

Introduction

Port Angeles is located in Clallam County on the north coast of the Olympic Peninsula. It is on the south side of the Strait of Juan de Fuca, 56 nautical miles east of Cape Flattery.

The original harbor area was established at Port Angeles on December 15, 1892, by the Harbor Line Commission. The outer harbor line was begun one mile east of the city limits in water about 20 feet deep at low tide, following this contour until the underwater slope began to be fairly steep. Then apparently a distance of 300 feet or more seaward from the line of low tide became the controlling factor. The inner harbor line was then located parallel to and 600 feet landward from the outer harbor line until the underwater slope became fairly steep. The width of the harbor area was then gradually diminished to 300 feet. The harbor area was established along the shore of the City of Port Angeles around the base of Ediz Hook and approximately one third of the Hook. Three waterways were established.

In 1935 a supplemental map of the Port Angeles harbor area was adopted. The original harbor area was widened. It was also expanded along the balance of the southerly portion of Ediz Hook, around Ediz Hook, then westerly in the Straits of Juan de Fuca to a point one mile west from the western city limits.

In 1971 a supplemental map of Port Angeles harbor area was adopted relocating and widening a portion of the harbor area and extending waterways to the re-located outer harbor line. The outer harbor line in front of the City of Port Angeles was moved out approximately 1,200 feet into Port Angeles Harbor in 1971. This increased the harbor area in places to the maximum 2,000 feet allowed. A waterway was established on the underside or the south side of the Hook in an unusual configuration in this 1971 supplement.

The Ennis Creek Waterway was vacated in 1918 and the Tumwater Waterway was vacated in 1946.¹

The Port Angeles Harbor is under the jurisdiction of the Port of Port Angeles, which is countywide.

Present Uses

The Department of Natural Resources presently holds 27 leases for harbor area in Port Angeles. Twenty five leases pay rent. A small portion of harbor area was applied for for the Northern Tier Pipeline Company in December, 1977, but

¹Harbor Area Study, 1972.

no rental agreement has been entered into yet and no rent has been paid. A lease number has been assigned. Another site not paying rent is an area of 64.48 acres set aside by the Department of Natural Resources for a deepwater disposal site.

Total acres in the Port Angeles harbor area are approximately 1,460 acres, with 545.33 acres leased or set aside. Approximately 37 percent of the harbor area is leased. Almost two thirds of the leased land is used for log rafting and storage. I understand that the harbor line relocated in 1971, now used for log storage, is not shown in present leases. This means the total acres in harbor area and under lease are actually more than the acreage listed in this report.

Rent collected by the Department of Natural Resources from these harbor area leases amounts to \$150,071.99. This amounts to approximately \$304.50 annual income per acre of leased harbor area. Total rent charged amounted to \$163,523.44.

Its proximity to forest lands makes this area a large-volume log and forest products exporting center. In fact, from 50 percent up to 80 percent of rafted logs to leave the Port Angeles area have gone to Canada.²

The public port district owns and operates two shipping terminals.

Several privately owned and operated piers are in the Port Angeles harbor area. A large mill on the east side of the city receives fuel oil by tanker for plant consumption, receives wood chips, hogged fuel, lime rock and bulk liquid caustic and chlorine by barge. The company ships out baled wood pulp. Another timber company's pier is used for the shipment and export of logs. A private wood products firm receives fuel oil for plant consumption and for storage and ships out newsprint via barge and ships.

A large public marina is located along the western shore of the city. The breakwater for the marina also serves as a log loading area with a log marshalling yard next to the marina.

The Foss Launch and Tug Company has moved their harbor tugs to the Port Angeles Boat Haven and their site west of Oak Street is now leased by the port. This area plus the rest of the block along the waterfront is being considered for a possible fish process and cold storage area with unloading of cargo at the

²Reid, Middleton Associates, Inc., Port System Study for the Public Ports of Washington State and Portland, Oregon, Volume II, Technical Supplement/Part 2, 1975, Edmonds, Washington.

old Foss dock. In the meantime the dock is being used for transient tugboat traffic on an interim basis. When the new municipal pier is completed much of that transient traffic will be directed there.⁸

The City of Port Angeles states that it would be a violation of their zoning ordinance to transfer the tug operation to the Municipal Pier because that use would be incompatible with the relatively large numbers of people that will be using the pier.⁹ What the city response will be to transient tug traffic is not known.

A 2 1/2 block, centrally located shoreline area is zoned Commercial Business District (CBD) in the Shoreline Master Plan. The Plan has not been officially adopted but is used as a guideline to plan. Leases for harbor area in the CBD Zone includes a ferry terminal, parking, fish unloading pier, tug and barge pier, an attorney's office, and an area being developed as a public park area.

Port Angeles has a Coast Guard base, including both a pier and an airport, near the eastern end of Ediz Hook.

A deepwater disposal site established by the Department of Natural Resources is partially in the harbor area on the north side of Ediz Hook and at the western base of the Hook. The original purpose in establishing a deepwater disposal site there was to allow the material to build up the end of the Hook. The site has never been used because an industrial firm, Crown Zellerbach, protested. The firm has leased a site there for an outfall. The dumping would have been too close to the diffusion area of the outfall. The site is about 1,000 feet offshore.

A precedent-setting lawsuit is now being decided relating to ownership of fill in a harbor area site when the fill is placed on a leased site without Department of Natural Resources approval. This is the old Angeles Sand and Gravel Company site next to the ferry terminal. The Port of Port Angeles is now leasing the site.

Physical Characteristics

Port Angeles Harbor lies within the city limits of Port Angeles. The harbor is open to the Strait of Juan de Fuca on the east and is protected on the north and northwest by Ediz Hook - a low, narrow sandspit about 3 miles long, curving eastward from the mainland. The harbor is about 2.5 miles long and about 1.5

⁸Letter dated June 29, 1979 from D. G. Hendricks, Director of Operations, Port of Port Angeles.

⁹Letter dated June 28, 1979 from Kenneth S. Whorton, City Manager, Port Angeles.

miles wide at the entrance, decreasing in width to its head. The depths are greatest on the north shore and decrease from 80 to 90 feet in the middle of the harbor.

The Olympic Mountains and mountains on Vancouver Island, British Columbia, protect this area from storms moving eastward over the ocean. Significant wave height is up to 3 feet.

Future Demands

A new ferry terminal structure is in the planning process.

The area designated Commercial Business District (DNR's Commercial Waterfront) along the central shoreline will continue to be developed for those proposed. The ferry terminal will be the focus for the area with shops and restaurants to promote tourism.

A major issue dividing the community is the possibility that Northern Tier Pipeline Company will be locating a deepdraft oil terminal on the south side of the eastern portion of Ediz Hook. This would be the western terminus of a transcontinental pipeline to carry oil to the midwest. If this proposal goes through, a relocation in harbor lines waterward will be necessary. A submarine pipeline would be laid under the Port Angeles Harbor to Green Point. The public port district has taken the position that the project as proposed would have a detrimental effect on the local industry. For that reason the port is opposed to the project. The city, the county and a number of local residents oppose this use, although that is the purpose for which harbor areas are established. The Washington State Energy Facility Site Evaluation Council has been hearing testimony and evaluating the proposal. The decision on establishing an oil port in Port Angeles might be made at the federal level, taking into consideration the community's concerns and balancing that against the national need for oil.

If the oil terminal is established in Port Angeles on Ediz Hook as proposed by the Northern Tier Pipeline Company, there will be a shifting of uses in the harbor area. Log storage leases will have to be terminated or let expire in the harbor area on the south side of Ediz Hook. Other sites and possibly other methods of log storage will be needed.

If an oil port is located on Ediz Hook, the Coast Guard Station will probably need to be moved to another location. Northern Tier's consultants are putting together proposals for alternate locations. These proposals will be given to the Coast Guard for review. One possible location for the Coast Guard facilities is on the south side of the Harbor. Another possible location for the Coast Guard facilities would be directly west of the Northern Tier Site.

Relocation of the air facilities could be to William R. Fairchild International Airport.³

The Port Angeles City Council has stated on several occasions that the Coast Guard should be maintained at its present base on Ediz Hook.⁴

The city comprehensive plan also recommends that public access on Ediz Hook should be retained, enlarged and improved as recreational areas become available.⁵ There are no leases for public use in the harbor area on Ediz Hook.

The City of Port Angeles has taken a strong position opposing the siting and operating of an oil pipeline terminal in or near the city. Policies adopted May 1, 1979, state the city's opposition clearly.⁶ They believe there is no demonstrated need for an oil port at any point within the State of Washington. There are significant impacts and risks involved, the city believes, in the construction and operation of an oil port in Port Angeles, including loss of harbor area for timber rafting, possible loss of miles due to electrical shortages and increased air pollution, possibility of oil spills, and impacts on all city services. The Oil Port Task Force, created by joint action of the City of Port Angeles and Clallam County, was established to assure that all information is presented to the licensing authorities and to the people of the City of Port Angeles and the State of Washington regarding the proposed Northern Tier Pipeline Company project.⁷

³Letter dated June 29, 1979 from D. G. Hendricks, Director of Operations, Port of Port Angeles.

⁴Letter dated June 28, 1979 from Kenneth S. Whorton, City Manager, Port Angeles.

⁵Port Angeles Comprehensive Plan, City of Port Angeles, 1978.

⁶Policies of the City of Port Angeles concerning the Northern Tier Pipeline Company's proposed Oil Port, 1979.

⁷Policies of the City of Port Angeles concerning the Northern Tier Pipeline Company's Proposed Oil Port, 1979.

Analysis (Conflicts/Needs)

1. There is no lease on file for the Coast Guard pier near the end of Ediz Hood. There is a need for such a document to keep a record of areas being used and those available for use.
2. Records show a deepwater disposal site in harbor area and bed northwest of Ediz Hook. It is not being used due to a conflict of uses. The file shows 64.48 acres in harbor area and 35.52 acres in the bed for the disposal site. If the area is unusable due to an outfall pipe location, the Department of Natural Resources should consider removing or declassifying the area.
3. If the Northern Tier Oil Port is located inside Port Angeles Harbor as proposed, the outer harbor line will need to be relocated to accommodate the required piers or wharves. Some leases now used for log storage will need to change hands and uses. The Coast Guard Station might have to be relocated if the oil terminal goes in.
4. Who owns the site where the new ferry terminal structure is to be built? A local attorney raised the question of ownership of the public street ending located in the harbor area. Presently the port leases the land from the Department of Natural Resources.
5. Several street endings within the Commercial Business District run out into the harbor area and are included in plans for future city development. Ownership of this land whether claimed by Department of Natural Resources, vacated and turned over to the city or the public port district, needs to be considered by the Department.

Various Methods of Stating Rent in Port Angeles Harbor Area

Rent to DNR from harbor area leases

By Trusts:

#25 (100% of rent to DNR)	\$131,981.20	
#26 (20% of rent to DNR)	2,386.00	11,930.00
#27 (80% of rent to DNR)	15,629.79	19,537.24
#19 (beds in front of harbor area, 100% to DNR)	75.00	
	<u>\$150,071.99</u>	<u>163,523.44</u>

By Present Classifications

A Water Dependent Commerce	\$ 24,873.79
B Water Oriented Commerce	2,409.00
C Other Water Dependent & Water Oriented Commerce	120,927.20
D All Other Uses	1,862.00
	<u>\$150,071.99</u>

By Adjusted Classifications:

1 Water Dependent Uses, Primary	\$ 23,626.79
2 Water Dependent Uses, Secondary	672.00
3 Water Oriented Uses, Public Uses	1,521.20
4 Water Oriented Uses, Industrial	122,390.00
5 All Other Uses	1,862.00
	<u>\$150,071.99</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	211.20
0160 Marina Services	672.00
0180 Transportation Facilities	71,543.79
0181 Processing, Mfg. Uses	-----
0182 Aquatic Non-Water Related Use	1,079.00
0190 Log Booming & Rafting	76,466.00
0231 Waste Treatment Outfalls	100.00
0252 Sewer Lines & Outfalls	-----
4032 Materials Removal	-----
	<u>\$150,071.99</u>

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Irene Christy
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Interviews:

Jerry Hendricks, Director of Operations, Port of Port Angeles
Paul D. Carr, Planning Director, City of Port Angeles

Material on file on Port Angeles Harbor Area

Maps by DNR, Corp of Engineers, Department of Transportation
Inventory sheets
Data Processing Sheets
Rents detailed by classifications
Port Series No. 37, Revised 1976, U. S. Army Corps of Engineers,
Specific information on Port Angeles
Port of Port Angeles, Port System Study, by Reid, Middleton Associates,
1975
City of Port Angeles Comprehensive Plan, 1978
Port of Port Angeles Comprehensive Plan, 1973
Northern Tier Pipeline Project brochure
Letter from D. G. Hendricks, Director of Operations, Port of Port Angeles,
6/29/79
Letter from Kenneth S. Whorton, City Manager, City of Port Angeles,
6/28/79

Bibliography:

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and Moorage Facilities in Washington, Seattle, Washington, 1978
U. S. Army Corps of Engineers, The Ports of Port Angeles, Port Townsend,
Everett, Anacortes & Bellingham, Washington, Port Series No. 37,
Revised 1976
Swan Wooster Engineering, Inc., Port of Port Angeles Plan, 1973.

Irene Christy
Harbor Area Planning Project
July 16, 1979

PORT ORCHARD HARBOR AREA REPORT

Introduction - Port Orchard is the largest city in the South Kitsap area, and the second largest city in Kitsap County. Port Orchard overlooks the Puget Sound Naval Shipyard with the Olympic Mountains in the background, across Sinclair Inlet. Port Orchard is the county seat for Kitsap County.

The public port district having jurisdiction in the Port Orchard harbor area is the Port of Bremerton.

The harbor area at Port Orchard (called Sidney at that time) was established by the Harbor Line Commission in February, 1892. The outer harbor line was generally located in water having a depth of 20 to 30 feet at mean low tide. It appears the engineers attempted to follow the 30 foot contour as long as it did not get too far from shore. The inner harbor line was then located parallel to and 600 feet landward.

Maple Street Waterway, one of four waterways established in 1892, was vacated by order of the Commissioner of Public Lands on November 14, 1956.

The outer harbor line was revised (see 1973 Supplemental Map of Port Orchard) and adopted by the Harbor Line Commission in March, 1975. This expanded the harbor area from 600 feet to 925 feet at the greatest point in the expansion to allow for expansion of the Port Orchard Marina developed by the Port of Bremerton.

Present Uses - The Department of Natural Resources holds ten leases and three easements for use of the harbor area in Port Orchard. There are 35.15 acres leased out of a total of 200 acres available for lease. This is about one sixth of the harbor area that is leased.

Total rent collected by the department for the harbor area at Port Orchard amounted to \$20,485.14. This averages out to \$583.00 of rent collected per acre. Total rent charged amounts to \$22,927.50.

One public marina and a yacht club lease the harbor area for moorage purposes. These two sites total 23.03 acres, two thirds of the total acreage leased in the harbor area.

There are no deepwater piers serving industrial needs in Port Orchard.

A ferry landing is located next to the public marina with filled harbor area behind both leases used for parking. A sidewalk runs along the waterfront to provide access and safety.

This is a water-oriented community using the harbor area for recreational uses. Several encroachments of the business services have taken place in the harbor area. A bank has built part way in the harbor area in the central shopping area. The parking lot services the marina, the ferry landing and the shopping center. This area would be considered "Commercial Waterfront."

Physical Characteristics - Almost all of the Port Orchard and the South Kitsap area is surrounded by water. The area is subject to less than 1 percent chance of flooding during any year. Slopes are stable with artificial fill along the shoreline. The beach materials are sand/silt/clay, with the shoreline modified with riprap and the high water line has been modified. There is a critical faunal area at the western end of the harbor area with a critical surf smelt biological area in the fall and winter located at the center of the critical faunal area.

Future Demands - An application to lease 1.72 acres for a boat repair service including a boat lift, float and launching ramp, drydocking and parking has been filed almost two years ago. This site, located east of the DeKalb Waterway, now has only a derelict pier on it.

Transient moorage is being considered. This would probably be developed next to the ferry terminal.

Analysis - (Conflicts/Needs)

1. The public marina and the yacht club leaseholders are appealing the rental charges set by the department. The new law limiting increases in rent to 6 percent per year doesn't affect these leases because the rents were raised before the law went into effect.

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Interviews-

Joe Baier, Industrial Development Director, Port of Bremerton

Materials on file on Port Orchard Harbor Area

Maps by Department of Natural Resources, Dept. of Transportation, Corps of
Engineers, South Kitsap Chamber of Commerce
Harbor Area Study information on Port Orchard harbor lines
Inventory Sheets
Data Processing sheets
Rents detailed by classification
Welcome to Port Orchard paper by Chamber of Commerce

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of the
State of Washington, Harbor Area Study, A Report to the Legislature,
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Oceanographic Institute of Washington, Survey of Marine Boat Launching &
Moorage Facilities in Washington, Seattle, Wash., 1978.
Department of Ecology, Coastal Zone Management Atlas - Kitsap County,
Volume Ten, 1979.

VARIOUS METHODS OF STATING RENT IN PORT ORCHARD HARBOR AREA

Total Annual Income to DNR from harbor area leases	<u>\$20,485.14</u>
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By Trusts:

#25 (100% of rent to DNR)	\$10,715.70
#26 (20% of rent to DNR)	-----
#27 (80% of rent to DNR)	9,769.44
#19 (bed in front of harbor area, 100% to DNR)	-----
	<u>\$20,485.14</u>

By Present Classifications:

Water Dependent Commerce	\$14,298.10
Water Oriented Commerce	-----
Other Water Dependent and Water Oriented Commerce	59.04
All Other Uses	6,128.00
	<u>\$20,485.14</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 70.50
Water Dependent Uses, Secondary	14,227.60
Water Oriented Uses, Public Uses	59.04
Water Oriented Uses, Industrial	-----
All Other Uses	6,128.00
	<u>\$20,485.14</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	-----
0160 Marina Services	11,227.44
0180 Transportation Facilities	3,129.70
0182 Aquatic Non-water Related Use	6,128.00
0190 Log Booming and Rafting	-----
0231 Waste Treatment Outfalls	-----
	<u>\$20,485.14</u>

Harbor Area Planning Project
Irene Christy
April 10, 1979

PORT TOWNSEND HARBOR AREA REPORT

Introduction

Port Townsend is located in the northeast corner of Jefferson County, at the east end of the Strait of Juan de Fuca, on Admiralty Inlet and Port Townsend Bay.

The harbor area at Port Townsend was established in 1891. The outer harbor line was located in Port Townsend Bay 600 feet or more seaward from the mean low tide line in waters ranging from about 15 to 50 feet deep at low tide. The inner harbor line was then located parallel to and 600 feet landward when at right angles from the outer harbor line.¹

The Port of Port Townsend includes all of Jefferson County. The only harbor area in Jefferson County is located in front of Port Townsend.

Present Uses

The Department of Natural Resources presently holds nine leases plus easements for a telephone cable and a clarifier outfall line in Port Townsend. There are 123.02 acres leased out of a total of 390 acres available to lease. This is slightly less than one third of the area leased.

Rent collected for the nine harbor area leases in Port Townsend was \$18,355.76. With 123.02 acres leased, this averages out to \$149.21 in annual rent per acre. Total rent charged for Port Townsend harbor area leases amounts to \$19,266.80.

Present uses of the harbor area include marinas, fishing boat unloading and servicing, unloading of petroleum products, ferry slips for railroad cars and for passenger vehicles, and shipment of paper and wood products.

All structures are within the harbor area with the possible exception of two new dolphins by the passenger vehicle ferry slip. One industrial plant, Crown Zellerbach, has one 450-foot long irregularly shaped wharf to handle five different activities. These activities include shipment of paper products, receipt of fuel oil for plant consumption, receipt of mill supplies and equipment, black liquor for the plant, wood chips, sawdust and hog fuel. Logs are also brought into the plant from log rafts at the south end of the wharf. Two marinas are managed by the public port district. Four facilities in the harbor area are equipped to receive petroleum products.

¹1972 Harbor Area Study

Two docks are extending into the harbor area that do not appear to have a lease agreement with Department of Natural Resources but other forms of agreement might have been entered into by the Department. City Dock, south of the Union Oil dock at the foot of Madison Street, is a fishing and viewing pier about 30 feet wide near to the ferry landing. The Washington State Ferry Dock, south of the City Dock, is located at the foot of Quincy Street. Due to the breaking up of the Hood Canal bridge, much more ferry traffic is being handled than previously handled. A larger ferry was expected to be put on the ferry run the first part of the month of April. Large dolphins were recently installed in front of the ferry landing in anticipation of the larger ferries.

A fishing pier extends over the southeastern breakwater in Port Hudson Marina. This fishing pier is not shown in the harbor area lease. An agreement might be located in another form in Department of Natural Resources files. It should probably be shown as in the harbor area.

Physical Environment

The mean range of tide at Port Townsend is 5.1 feet. The range between mean lower low water and mean higher high water is 8.3 feet with an extreme range of approximately 16.5 feet. Because of the large daily inequality in this area, there may be only one high and one low water a day.²

The usual anchorage in the Port Townsend area is approximately one half mile south of the railcar ferry dock and slightly north of the Crown Zellerbach wharf. In southern gales, better anchorage is afforded off the north end of Marrowstone Island or near the head of the bay. Two explosive anchorages are available nearby.³

The shallow depth of the harbor restricts shipping to barge traffic, recreational and commercial fishing vessels, and the ferry slips.

Future Demands

The Washington State Ferry Commission is planning to move the passenger vehicular ferry landing because loading and unloading facilities are inadequate.⁴ Cars are lined up in nearby streets blocking off several streets while waiting to load onto the ferries. Two sites are being debated now in Port Townsend. The port officials would like to see the new ferry landing go in just south of the Point Hudson Marina and would like to have the Union Oil Company dock be used. Many townspeople prefer that it is located south of the railcar ferry where lots of parking space would be available. No decision has been reached at this time.

²Corps of Engineers, Port Townsend.

³Corps of Engineers, Port Townsend.

⁴Interview with George Randolph, Manager, Port of Port Townsend.

The port officials would like to expand marina services at the Port Townsend Boat Haven. Dredging would be needed. They would like to develop the land south of the railcar ferry landing as a part of the same project and want to include the Hill Street Waterway, too. The port would like to have the waterway vacated as they are interested in exchanging, purchasing or leasing that land. The port manager will be contacting the Marine Land Management Supervisor to reopen that discussion.

A small Marine Interpretive Center is planned for the abandoned Army pier at Fort Warden. An artificial habitat is located there now under an agreement with the Washington State Parks and Recreation Commission at no charge.

The Port of Port Townsend offers excellent anchorage for large vessels so there is a potential in Port Townsend for Lighters Aboard Ship (LASH) operations.⁵

⁵Reid, Middleton and Associates Inc., Port System Study for the Public Ports of Washington and Portland, Oregon, Volume II, Technical Supplement/Part 2, Edmonds, Washington 0975.

Analysis (Conflicts/Needs)

1. Expansion is planned for the Port Townsend Boat Haven as a part of a larger project which would include vacation of the Hill Street Waterway.
2. A check should be made on the two docks jutting into the harbor area because no leases were found. One is a city dock for recreational purposes and the other is a ferry landing. Agreements may have been signed but not out into harbor area lease form.
3. The Washington State Ferry Commission will be moving the passenger vehicle landing. Department of Natural Resources might want to have input into the decision-making process as harbor area will be used.
4. The port manager wanted to know why there was a harbor area in front of Port Townsend. He would prefer to lease the land as beds as the port does at Hadlock Bay. He believes the rental charges would be less. In fact, he questions the need for the port to pay rent at all for their leases because the port is a public body and is providing services to the community.

Irene Christy
4/6/79

VARIOUS METHODS OF STATING RENT IN PORT TOWNSEND HARBOR AREA

Total Annual Net Income to DNR from harbor area leases \$18,355.76

By Trusts:

#25 (100% of rent to DNR)	\$18,128.00
#26 (20% of rent to DNR)	227.76
#27 (80% of rent to DNR)	-----
#19 (bed in front of harbor area, 100% to DNR)	-----
	<u>\$18,355.76</u>

By Present Classifications:

Water Dependent Commerce	\$18,355.76
Water Oriented Commerce	-----
Other Water Dependent and Water Oriented Commerce	-----
	<u>\$18,355.76</u>

By Adjusted Classifications:

Water Dependent Uses, Shipping related	\$18,128.00
Water Dependent Uses, Marinas and boat repair	227.76
Water Oriented Uses	-----
All Other Uses	-----
	<u>\$18,355.76</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	-----
0140 Non-Commercial Aquatic Sites	-----
0160 Marina Services	227.76
0180 Transportation Facilities	18,128.00
0182 Aquatic Non-water Related Use	-----
0190 Log Booming and Rafting	-----
0231 Waste Treatment Outfalls	-----
	<u>\$18,355.76</u>

Harbor Area Planning Project
Irene Christy
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Interviews:

George Randolph, Manager, Port of Port Townsend

Port Townsend Harbor Area file:

Maps by DNR, Corps of Engineers, Dept. of Transportation
Harbor Area Study, 1972, A Report to the Legislature
Copy of section on Port Townsend
Inventory Sheets
Data Processing Sheets
Marina locations from study by Oceanographic Institute of Washington, 1978
Rents detailed by classifications
Port Series, Series No. 37, U. S. Army Corps of Engineers, 1976, specific
information on Port Townsend
The Port of Port Townsend, from Port System Study for the Public Ports of
Washington State and Portland, Oregon, 1975

Bibliography:

U. S. Army Corps of Engineers, The Ports of Port Angeles, Port Townsend,
Everett, Anacortes, and Bellingham, Washington, Port Series No. 37,
Revised 1976
Reid, Middleton and Associates, Inc., Port System Study for the Public Ports
of Washington State and Portland, Oregon, Volume II, Technical Supplement/
Part 2, 1975, Edmonds, Washington
Harbor Line Commission, Attorney General, Department of Ecology of the State
of Washington, Harbor Area Study, A Report to the Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and
Moorage Facilities in Washington, Seattle, Washington, 1978

Harbor Area Planning Project
Irene Christy
June 20, 1979

POULSBO HARBOR AREA REPORT

Introduction

The City of Poulsbo is located in Liberty Bay, in Kitsap County.

The harbor area at Poulsbo was established on April 12, 1916. The outer harbor line on the westerly and northerly side of Liberty Bay was located in water having a depth of about 10 feet at mean low tide. The inner harbor line was then drawn parallel to and 200 feet landward. On the easterly side of Liberty Bay, the outer harbor line was located in water having a depth of about 20 feet at mean low tide. The inner harbor line was then drawn parallel to and 100 feet landward from the outer harbor line.

Three waterways were established at that time. A public place was established on the northeasterly side of Liberty Bay for use for slips, landings, wharves and other conveniences of navigation and commerce, and not otherwise.

That portion of waterway No. 3, lying northeasterly of the inner harbor line was vacated and set aside as a public place on August 11, 1922.

The second supplemental map of Poulsbo relocated a portion of the outer harbor line on May 6, 1969. A waterway and the public place were eliminated at that time. The outer harbor line from the northeasterly line of waterway No. 1 and easterly about 2,100 feet was moved out into the water to be about 600 feet from the inner harbor line rather than the original 100 feet width.

In 1978, the relocated outer harbor line was extended southeastward another 1,300 feet with the harbor area 600 feet wide.

Poulsbo's harbor activities come under the jurisdiction of the Port of Poulsbo.

Present Uses

The Department of Natural Resources presently holds 8 leases for harbor area in Poulsbo. Total of harbor area leased amount to 18.36 acres. Total acres in the harbor area designation are approximately 70 acres. This is approximately 26 percent of harbor area leased in Poulsbo.

Rents collected by the Department of Natural Resources from these leases amounts to \$2,117.00. This amounts to \$115.30 annual income per acre for the leased harbor area. Total rent charged amounts to \$3,065.00.

Most of the harbor area is leased for marina purposes. Two oil company piers offload petroleum products. The exhibit for one of these piers (Lease #2426) shows the face of the pier outside the outer harbor line. A third pier that had been used for offloading petroleum products was assigned to the Poulsbo Yacht Club several months shortly after a 30-year lease was signed.

One area leased to the port for marina purposes has had about one-fifth of the harbor area, or almost one acre, filled to establish a park and parking lot which is part of a larger parking area and shopping center on the uplands. The outer harbor line was relocated in this section of the town.

The North Kitsap School District has a Marine Science Center leasing a small portion of harbor area. A number of school districts from the Seattle area also use this facility.

Physical Characteristics

The harbor area at Poulsbo is located in Liberty Bay with state oyster reserve lands located at the upper end of the bay. Liberty Bay is not far from and is due east of the U. S. Navy Trident Submarine Base at Bangor. It is located north of Bremerton and the Navy Yard.

A critical biological area fronts much of the Poulsbo shoreline with surf smelt important in the spring, summer and fall. A critical faunal area for river otter is located at the eastern end of the harbor area and the adjacent tidelands.

Future Demands

Growth will come from expansion of recreational boating use. This is a quiet bay that is centrally located in Puget Sound and is accessible as a transient moorage site. The area attracts many boaters.

The public port district anticipates the need for another pier in Lease #2247. The pier would run along the shore with two finger piers jutting waterward. This would be in front of the IAC-funded park. The port believes the marina development will require an additional three acres of bed presently waterward of the current outer harbor line, so a relocation of the outer harbor line will be needed.

The Poulsbo Yacht Club has purchased some land and has had an assignment of a harbor area lease with plans for developing their own site. South of the leased harbor area is a large cove that is owned by the upland owner. At this time plans are to build apartments or condominiums on the upland site across the road with water access. This area might also be included in a larger marina facility. Possibly a private docking facility will be developed there with access needed in the harbor area.

There is discussion locally of having a breakwater built from the Kitsap School District lease coming past the above-mentioned cove and over to the yacht club harbor area lease to give protection for the planned development. The cove area would be used for marina purposes.

Analysis (Conflicts/Needs)

1. Anticipate a request for relocating the outer harbor line to allow for expansion of the marina in front of a portion of the American Legion Park.
2. A conflict might arise in expanding the marina in front of an IAC-funded park. Criteria established by DNR for use of the water in front of a shoreline park might prove helpful. The question that might come up is whether part of a marina can be located in front of an IAC-funded park.
3. The exhibit for Harbor Area Lease #2426 shows the face of the pier out past the outer harbor line approximately 15 feet. There is no separate U & O charge for this use of bedlands. A U & O charge could be included in the lease, although it doesn't so state, because the lease fee amounts to approximately \$725.00 for one acre of harbor area and the lease next door for the same use comes to \$480.00 for one acre of harbor area. The variance in rent could be because of the different years the leases were renewed.
4. Anticipate development of a yacht club and attendant piers in the southeastern part of town.
5. Anticipate a request for building a breakwater approximately 1,500 feet long in harbor area if plans go through for development of the planned yacht club. The port might take over the Engman Lease #2358 and develop a marina needing the breakwater to include the marina and the proposed developments.

Irene Christy
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Interview:

Lowell Swearingen, Poulsbo Harbormaster

Materials in file on Poulsbo harbor area.

Maps by Department of Natural Resources
Inventory sheets
Data Processing Sheets
Rents detailed by classifications
Information on Poulsbo, 1972 Harbor Area Study

Bibliography:

Harbor Line Commission, Attorney General, Department of Ecology of the State of Washington, Harbor Area Study, A Report to the Legislature, 1972

Oceanographic Institute of Washington, Survey of Marine Boat Launching & Moorage Facilities in Washington, Seattle, Wash. 1978

Various Methods of Stating Rent in Poulsbo Harbor Area

Rent to DNR from harbor area leases

By Trust

#25 (100% of rent to DNR)	\$ 845.00
#26 (20% of rent to DNR)	840.00
#27 (80% of rent to DNR)	1,380.00
#19 (beds in front of harbor area, 100% to DNR)	--
	<u>\$3,065.00</u>

By Present Classifications

Water Dependent Commerce	\$1,937.00
Water Oriented Commerce	--
Other Water Dependent & Water Oriented Commerce	180.00
All Other Uses	--
	<u>\$2,117.00</u>

By Adjusted Classifications

Water Dependent Uses, Primary	\$ 515.00
Water Dependent Uses, Secondary	1,422.00
Water Oriented Uses, Public Uses	80.00
Water Oriented Uses, Industrial	100.00
All Other Uses	--
	<u>\$2,117.00</u>

By Data Processing Categories

0071 Other Governmental Recreation Sites	\$ --
0140 Non-Commercial Aquatic Sites	80.00
0160 Marina Services	1,272.00
0180 Transportation Facilities	665.00
0181 Processing, Mfg. Uses	--
0182 Aquatic Non-Water Related Use	--
0190 Log Booming & Rafting	--
0231 Waste Treatment Outfalls	100.00
0252 Sewer Lines & Outfalls	--
4032 Materials Removal	--
	<u>\$2,117.00</u>

Harbor Area Planning Project
Irene Christy
May 16, 1979

SEATTLE HARBOR AREA REPORT

Introduction

The City of Seattle is located in King County on Puget Sound, 124 nautical miles from the ocean entrance of the Strait of Juan de Fuca.

There are two types of harbor areas in King County. The tidal, salt water harbor area starts at a point just north of Meadow Point southward past Brace Point, almost to the southern Seattle city limits. This includes Elliott Bay and the face of Harbor Island. The non-tidal, fresh water harbor area includes sections of Lake Washington and Lake Union. The non-tidal, fresh water harbor area is not included in this report because they are managed differently than tidal, salt water harbor areas.

The majority of uses in the tidal, salt water Seattle harbor area are concentrated in Elliott Bay.

The Port of Seattle boundaries are the same as King County so both types of harbor area fall under port jurisdiction.

Harbor lines were established in front of the City of Seattle with the outer harbor line in water approximately 50 feet deep at low water. The inner harbor line was located at a distance between high and low water in some places and on the meander line for a considerable distance. This original harbor area included Railroad Avenue, which had been built on pilings, for about two miles and also an area that included about 35 structures extending from Railroad Avenue out to deep water. These structures were built in an area the State claimed should have been reserved for public use. Litigation delayed implementing the resolution on Seattle harbor area until after the term of office had expired for which the Harbor Line Commission was appointed. The original harbor lines therefore were adopted by the Harbor Line Commission but were never used as the established lines due to the litigation.¹ The plats were not filed. Until the plats are filed, the harbor lines are not legally established.

Harbor lines were then established in July, 1894, beginning at a point on the center of King Street at a depth of approximately 45 feet for the outer harbor line, running north to a point opposite the center of the channel of Salmon Bay. The inner harbor line was established at a line running parallel to the outer harbor line creating a width of 300 feet from Salmon Bay to King Street, then proceeding west to a point one mile west of the city limits.

The Ballard harbor area was established on July 3, 1894, and was a continuation northerly of the Seattle harbor area. The outer harbor line was located in water

¹Harbor Area Study, 1972

generally 30 to 40 feet deep at low tide. The inner harbor line was then drawn parallel and 300 feet landward at right angles to the outer harbor line.

In May, 1927, harbor lines were established west then south of the above described lines. This harbor area went around Duwamish Head and Alki Point to a point that was one mile south of the south city limits. In the vicinity of Alki Point the inner harbor line was drawn parallel with and 400 feet landward from the outer harbor line until the vicinity of Lincoln Beach. South of Lincoln Beach the width of the harbor area varies from 50 feet to 400 feet.

In 1969 the outer harbor line was relocated waterward in front of Harbor Island and also from a point at the end of Pier 37 on the east side of the East Waterway to a point where Madison Avenue would extend to the outer harbor line.

In November, 1976, the inner harbor line was relocated waterward in front of Piers 50 and 51 leaving a narrow strip of harbor area in front of this section.

Anchorage located in the Seattle Harbor are: in front of Harbor Island, an area west of Harbor Island anchorage, all along Magnolia Bluff and an area located in front of the grain elevator and the Elliott Bay Park.

Present Uses

The Department of Natural Resources presently holds 46 leases and a number of easements in the salt water harbor area in Elliott Bay.

Total acres in harbor area that are leased amount to about 177 acres. Total acres in the salt water harbor area in Seattle are approximately 950 acres, which leaves 773 acres not leased. This amounts to slightly less than 20 percent of the harbor area leased. The other 80 percent is not leased.

Rent collected by Department of Natural Resources from the leases amounts to \$382,123.16, which amounts to approximately \$2,158 annual rent per acre. Total rent charged amounted to \$490,879.67.

The Port of Seattle is the largest port in Puget Sound and in the State. Seattle has a Foreign Trade Zone where commodities in transit can be stored, processed and reshipped without paying duty at the time of arrival in Seattle. The most advanced computer system in the maritime industry for handling cargo and planning ship movements is here.²

Leading imports for Seattle are limestone, lumber, gypsum, newsprint, sand, cars,

²Reid, Middleton & Associates, Inc. Port System Study for the Public Ports of Washington State & Portland, Oregon, Volume II, Technical Supplement, Part 2, 1975.

metal sheet and plate, and electronic equipment. Major exports are grain, flour, wood pulp, logs, plywood, veneer, dried peas, hay, tallow, and pressed board.³

Harbor area leases are used for a grain terminal, receipt of oil, fish products, containerized cargo, a Coast Guard facility, tug and barge terminal, ship building and ways, rail car barges, a wood processing firm, marinas, parks, public fishing piers, hotel, restaurants, offices, retail shops, parking lots, harbor tours, ferry terminals, and aquariums.

A new rail car barge facility is located on the western part of Elliott Bay. Rail cars are rolled on board by use of two tracks on a pontoon bridge.

Piers 36 to 46 have had finger piers. The 88 acre area located between the finger piers and some of the old pier sites, has been filled in to make a quay-type wharf with several berths for container ships. The originally planned development for Piers 37 to 42 was scheduled as a base for a roll-on, roll-off shipping service.⁴ It will now be used for containerized cargo for the Pacific Rim trade. This will provide the back-up space needed for handling containerized cargo. The Port of Seattle states that at least 15 acres of back-up land is needed for each berth plus land for parking.⁵

Piers 48 through 70 are also old finger piers that have been developed in a different way. The area is set aside for uses "not related to navigation and commerce on urban waterfronts which presently need not be reserved to serve navigation and commerce purposes."⁶ The area is being developed under the new "Commercial Waterfront" classification allowing 30 year lease terms for retail shops, restaurants, and other people-oriented uses. Leases in this classification call for a facade of water dependent uses whenever possible. A question resulting from this action is: Do present lessees now reapply for 30 year leases or do they finish out their present terms (most of them already granted for 30 years) and then have the 30 year terms apply. The Harbor Line Commission Resolution called for limited renewals as well as the full term length of lease allowed by the State constitution. A lawsuit is pending that challenges this new use classification, stating that the constitutional mandate for harbor area is being contravened.

³Ibid

⁴Noel Curtis Welch, Harbor Area Use Controversy, Fishing Pier Case Study, 1979.

⁵Port of Seattle Position Paper, for Seattle Central Waterfront Review Committee, December 1, 1977.

⁶Harbor Line Commission Resolution 249, adopted in February, 1979.

An old finger pier in the harbor area located in the area of Elliot Bay designated Commercial Waterfront was leased in 1958 for the purpose of building a three story hotel on the site. The Edgewater Inn was started in 1962 and finished in 1963. A 30 year lieu lease was signed in 1962. A fourth floor was later added on to the hotel. The company stated they needed more time for financing purposes so another 30 year lieu lease was entered into in 1968.

The inner harbor line runs right along the sidewalk by Alaskan Way in this area for a short distance. This has presented problems in using harbor area for the constitutionally-mandated uses of navigation and commerce.

Pier 71 is the Union Oil Company dock. Oil is unloaded at pierside but the tank farm is located inland, which keeps visual access open. This is especially appreciated because it is located between the Myrtle Edwards Park and the Commercial Waterfront area set aside for retail shops, restaurants, a park, a hotel and offices.

Pier 86 is a large grain terminal built approximately ten years ago. A mitigation measure to reduce the harmful environmental effects of the project was the establishment of the Elliott Bay Park, now renamed the Myrtle Edwards Park. This is a narrow stretch of shoreline blocks long bounded by the bay and the railroad tracks and Pier 71 and Pier 86.

Now being developed in harbor area in front of the Myrtle Edwards Park is a public fishing pier. A submerged artificial reef at the end of the pier is being installed to attract fish to the location. This public fishing pier was requested by the Washington State Department of Fisheries as a compensation measure for the Port of Seattle's filling in between finger piers to form the new Terminal 37.⁷

Piers 90 and 91, sometimes called the Pier 91 complex, encompassing 198 acres, is operated for both commercial and military shipping. In 1975, five federal agencies were based at the terminal. Coast Guard, Military Sealift Command, Military Traffic Management Command, Defense Personnel Support Center and the U. S. Army Seattle Veterinary Branch.⁸ The port uses it for roll-on, roll-off cargo, with

⁷Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehuda Hayuth, Under New Management, Port Growth & Emerging Coastal Management Programs, A Washington Sea Grant Publication, University of Washington Press, 1978, Page 65.

⁸Port of Seattle Facilities Handbook, 1975.

many major private lessees using the facilities, which include a number of warehouses. Title to a portion of the harbor area in front of Piers 90 and 91 and the Smith's Cove Waterway were acquired by the federal government through condemnation proceedings in Case No. 469 in U. S. District Court, Northern Division of Western Washington. A Commissioner's Order dated September 17, 1946 granted the land to the federal government. There is no record that the inner harbor line was relocated at the time of the grant.

There are several sections in the Seattle harbor area for which Department of Natural Resources does not collect rent for management costs.

1. The East and West Waterways of the Duwamish River, alongside Harbor Island, have sections of harbor area that provide funds for the public port district only. The pierhead line is not coexistent with the state-established waterway but is out in the waterway 125 feet on each side of the two waterways. Structures were built between the State waterway line and the pierhead line. The law states that if such waterway is within a public port district and the port has built the structures, the entire rental from such improved strip of waterway goes to the public port district.⁹ Department of Natural Resources usually collects a Use & Occupancy Fee if structures have been built out past the waterway line or outer harbor line.
2. Another section of harbor area that the Department of Natural Resources does not collect rent on is the ferry terminal at Piers 52 and 53. The Washington State Department of Transportation maintains that a right-of-way is granted for public highway purposes.¹⁰ This raises the question of whether or not rent will be charged for Piers 50 and 51 when acquired for expansion of present ferry services. This last year the annual rent for Piers 50 and 51 amounted to \$15,736 with \$3,147.20 to Department of Natural Resources for management costs, \$3,147.20 to the local Harbor Improvement Fund, and \$9,441.60 to the State Capitol Campus Purchase and Development Fund for buildings on the East Capitol Campus.
3. The Department of Natural Resources receives no rent from vacated Pike Street, now a part of the aquarium, under an Interagency Committee for Outdoor Recreation Agreement. Rents are charged for leases on either side of this section and for the Central Waterfront Park. There are no notations on why one lease should be granted rent-free.¹¹

⁹RCW 79.16.190

¹⁰RCW 47.12.020

¹¹See file on lease #HA 2372

4. The Coast Guard leases a small section of harbor area at Pier 36. They have not been paying rent because the Coast Guard contends they are exempt because of the right of navigational servitude that applies here.

Physical Characteristics

The Seattle Harbor is a natural deep water harbor with water depths over 175 feet. There are three channels in Elliott Bay - the East Waterway, the West Waterway and the Duwamish Waterway. These channels are deepened and maintained by the U. S. Army Corps of Engineers.

Seattle is served by three transcontinental railways, the Milwaukee Road, Burlington Northern and Union Pacific. Burlington Northern has rail yards north of Piers 90 and 91 and in the Duwamish Basin. The Union Pacific and Milwaukee Road have a rail yard east of the Duwamish Waterway facilities. A large rail yard in the rear of the East Waterway terminals, jointly used by all three lines, provides rail access to all port docks. The Alaska Hydro-Train rail-car barge operation connects with the Alaska railway system.

Seattle is served by two major freeway systems - Interstate 5, a north/south six lane freeway and Interstate 90 serving eastern Washington and the Midwest states.

Future Plans

The area between the finger piers called Piers 36 to 46 is being filled in and the project is nearing completion. Terminal 37, as it will be called, will be used for containerized cargo.¹² Some time in the future the Port of Seattle might want to fill in between Piers 46 and 48.

Development is going on up the Duwamish River but this area is not in the harbor area.

The port eventually would like to see the oil tanks and oil deliveries moved from Harbor Island to make way for other industrial uses.

Filling in around Piers 90 and 91 is looked at as a possibility to create more land when needed.¹³

¹²Staff Report, Background Analysis of the Port of Seattle Development, Capital Improvement Requirements and Financial Review, 1978.

¹³Glenn Lansing, Deputy General Manager, Port of Seattle, Interview.

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Irene Christy
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The Port of Seattle has kept development of the harbor area confined to Elliott Bay. The harbor area runs north just past Meadow Point but there is no development between the Pier 91 complex and Meadow Point except for the Shilshole Marina. Also, the harbor area runs from Duwamish Head, around Alki Point, and to the Lincoln Beach area but no harbor area leases have been granted for this section of harbor area.

LASH type of service to Seattle was seen as not economically feasible for trans-pacific travel so probably will not be used in Seattle.¹⁴

¹⁴Ibid

Analysis (Conflicts/Needs)

1. In December, 1974, the Port of Seattle purchased the Pier 91 complex from the federal government, including a portion of harbor area and the Smith's Cove Waterway. The inner harbor line in front of this section of Elliott Bay should be relocated by the Harbor Line Commission because the State Constitution forbids the sale or grant of land within a harbor area. It also forbids relinquishing the State's right to control harbor areas. This action would remove the portion of granted land from the harbor area designation.
2. In the Pier 67 issue, the King County Assessor stated that buildings become the property of the lessor (in this case, the State) upon construction. (See letter in file #HA 2096.) Department of Natural Resources has not claimed buildings when first built but has stated that they become the property of the State at the end of the lease period and then only when the harbor area is not re-leased. There needs to be a policy established on conditions to be met when the State takes over. Criteria to be considered might include what responsibilities both the lessee and the lessor have.
3. When the 30 year lease term begins on Commercial Waterfront - designated leases - the criteria for granting renewals, should be specified.
4. Criteria to qualify for rent-free leases should be established.

VARIOUS METHODS OF STATING RENT IN SEATTLE HARBOR AREA

By Trusts:

#25 (100% of rent to DNR)	\$255,478.52
#26 (20% of rent to DNR)	20,558.76
#27 (80% of rent to DNR)	106,085.88
#19 (bed in front of harbor area, 100% to DNR)	-----
	<u>\$382,123.16</u>

By Present Classifications:

Water Dependent Commerce	\$235,708.13
Water Oriented Commerce	18,244.80
Other Water Dependent and Water Oriented Commerce	72,666.64
All Other Uses	55,503.59
	<u>\$382,123.16</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$154,884.23
Water Dependent Uses, Secondary	80,823.90
Water Oriented Public Uses	41,395.60
Water Oriented Industrial Uses	18,244.80
All Other Uses	86,774.63
	<u>\$382,123.16</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	\$ 19,877.40
0140 Non-Commercial Aquatic Use - Single Use Dock	2,346.80
0160 Marina Services	6,492.50
0180 Transportation Facilities	236,124.46
0181 Processing, Activities Requiring Waterfront Location	7,742.80
0182 Aquatic Non Water Related Use	109,539.20
0231 Waste Treatment Outfalls	-----
	<u>\$382,123.16</u>

Interviews:

Glenn Lansing, Deputy General Manager, Port of Seattle
Linda Christopherson, Office of Economic Development, City of Seattle
Randall McGreevy, Office of Environmental Management, City of Seattle

Seattle Harbor Area File, available for perusal:

Maps by DNR, Corps of Engineers, Department of Transportation, Port of Seattle, City of Seattle
Harbor Area Study, 1972, A Report to the Legislature, by the Harbor Line Commission, Attorney General, and Department of Ecology
Inventory Sheets for Seattle Harbor Area
Data Processing Sheets for Seattle Harbor Area
Rents detailed by classifications
Marina locations from study by the Oceanographic Institute of Washington, 1978
Seattle Shoreline Master Program, 1976
Reid, Middleton & Associates, portion on Port of Seattle, Port Systems Study, 1975
Harbor Line Commission Resolutions 249 & 250
Public Shellfishing Sites in Seattle, Department of Fisheries
Staff Report, Background Analysis of the Port of Seattle Development, Capital Improvement Requirements & Financial Review, 1978
Reclaimed Tidelands in Elliott Bay (Map), from Shoreline Utilization in the Greater Seattle Area, A. E. Hall, et al, 1968
Goals for Seattle 2000, 1968, portions of
Water Uses, Seattle Shoreline Inventory, 1973
Port of Seattle Facilities Handbook

Bibliography:

Reid, Middleton & Associates, Inc., Port System Study, Vol. II, Technical Supplement/Part 2, Edmonds, Washington, March, 1975.
Port Series No. 36, Revised 1975, U. S. Army Corps of Engineers, U. S. Government Printing Office
Harbor Line Commission, Attorney General, and Department of Ecology, Harbor Area Study, A Report to the 43rd Legislature, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and Moorage Facilities in Washington, Seattle, Washington, 1978
Shoreline Master Program, City of Seattle, 1976
Marc Hershman, Robert Goodwin, Andrew Ruotsala, Maureen McCrea, Yehude Hayuth, Under New Management, Port Growth & Emerging Coastal Management Programs, Washington Sea Grant Publication, University of Washington, Seattle, 1978
Noel Curtis Welch, Harbor Area Use Controversy, Fishing Pier Case Study, Paper for Institute for Marine Studies, University of Washington, Seattle, 1979
Ralph W. Johnson, Eileen M. Cooney, Harbor Lines & the Public Trust Doctrine in Washington Navigable Waters, Washington Law Review article, Vol. 54; 275, 1979

Harbor Area Planning Project
Irene Christy
April 6, 1979

Shelton Harbor Area Report

Introduction

Shelton harbor area is situated in front of the City of Shelton in Mason County.

The harbor area was established in Shelton in 1892. The outer harbor line was located in water having a depth of 30 feet or more. Hammersley Inlet, east of Shelton, slopes to water having a depth of 30 feet rather quickly. The inner harbor line was then located 600 feet landward from the outer harbor line until it intersected the government meander line, and then the inner harbor line was located coincident with the government meander line.¹

No changes have been made in the harbor lines since they were established.

The Shelton harbor area comes under the jurisdiction of the Port of Shelton.

Present Uses

There are seven leases in the harbor area in Shelton in front of the City of Shelton or in the constitutional one mile beyond the city limits.

Total acres leased amount to 42.74 acres out of a total of 80 acres in harbor area designation. This amounts to slightly more than 50 percent leased out.

Net rent collected by the Department of Natural Resources from these leases amounts to \$6,787.30. With 42.74 acres leased, this amounts to approximately \$158.80 per acre annual income for harbor area leases in Shelton. Total rent charged for Shelton harbor area leases amounts to \$8,233.30.

Shelton Harbor is used mainly for log booming and rafting with 36.26 acres leased by Simpson Timber Company for that purpose. There appears to be more log storage in Oakland Bay and Chapman Cove, Northeast of Shelton harbor area, than is stored in Shelton waters or harbor area. After the orthophoto arrives and harbor lines are drawn on an overlay, a check should be made to see if some log rafts north of the port marina are outside the outer harbor line.

Highway 3 runs along the northern shore and is to be widened by the State Department of Transportation. There is presently very little land between

¹Harbor Line Commission, The Attorney General, The Department of Ecology of the State of Washington, 1972 Harbor Area Study.

the road and the water now and there will be less when the road is widened. This area is not seen as desirable or suitable for industrial development.²

Two oil piers at the north end of the harbor area have not been used in several years.³ These piers are in the harbor area and had been leased from the Department of Natural Resources. Union Oil Company still pays rent for the land where their pier is located. The other company has not paid rent since the lease was terminated by Shell Oil Company in 1972. Shell Oil Company continues to use the uplands but has not been leasing the harbor area. The dock, located in harbor area, is old and is in poor condition.

The Port of Shelton has a public dock that juts out slightly into the harbor area for berthing boats. The Shelton Yacht Club has a clubhouse adjacent to the port dock, but not within the harbor area. Yacht Club members lease some of the berths from the Port of Shelton.

A new sewage treatment plant was built south of the city. The city does lease a portion of harbor area and bed for a waste treatment outfall.

Physical Environment

Goldsborough Creek empties into the shallow bay. Harbor lines are drawn at the mouth of the bay where the outer harbor line is located in water having a depth of 30 feet or more.

Future Demands

A park is contemplated quite a distance inland from the harbor area in front of the City of Shelton. No changes are anticipated unless it would be expansion of the port marina.

²Interview with Mr. Delphi, engineer, Town of Shelton.

³Interview with Mr. Roselle, B & R Oil Company, also with Mr. Delphi.

Harbor Area Planning Project
Irene Christy
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Analysis (Conflicts/Needs)

1. Check to see if some log rafts north of the bay are outside the harbor area.
2. The Department of Natural Resources should consider action to be taken on the old Shell Oil Company pier. The Department of Natural Resources should either charge rent or lay claim to the pier. The old pier probably should be removed. The Department of Natural Resources needs a policy which sets criteria on when structures are no longer leased, if insurance is needed, or under what circumstances structures should be removed.

VARIOUS METHODS OF STATING RENT IN SHELTON HARBOR AREA

Total Annual Income to DNR from harbor area leases	<u>\$6,787.30</u>
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By Trusts:

#25 (100% of rent to DNR)	\$6,425.80
#26 (20% of rent to DNR)	361.50
#27 (80% of rent to DNR)	-----
#19 (bed in front of harbor area, 100% to DNR)	-----
	<u>\$6,787.30</u>

By Present Classifications:

Water Dependent Commerce	\$ 541.50
Water Oriented Commerce	6,175.80
Other Water Dependent and Water Oriented Commerce	70.00
All Other Uses	-----
	<u>\$6,787.30</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$ 180.00
Water Dependent Uses, Secondary	361.50
Water Oriented, Public Uses	-----
Water Oriented, Industrial Uses	6,245.80
All Other Uses	-----
	<u>\$6,787.30</u>

By Data Processing Categories:

0071 Other Governmental Recreation Sites	\$ -----
0140 Non-Commercial Aquatic Sites	-----
0160 Marina Services	361.50
0180 Transportation Facilities	180.00
0182 Aquatic Non-Water Related Use	-----
0190 Log Booming and Rafting	6,175.80
0231 Waste Treatment Outfalls	70.00
	<u>\$6,787.30</u>

Harbor Area Planning Project
Irene Christy
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Interviews:

Bill White, Manager, Port of Shelton
Mr. Delphi, Engineer, Town of Shelton
Mr. Roselle, B & R Oil Company, Shelton

Materials in the file:

Maps by DNR, DOT
Data Processing Sheets
Inventory Sheet
Rents detailed by classifications
Information and map of Shelton Harbor Area from the 1972 Harbor Area Study
Information from Survey of Marine Boat Launching and Moorage Facilities in
Washington

Bibliography:

Harbor Line Commission, Attorney General and Department of Ecology. Harbor
Area Study, A Report to the 43rd Legislature, State of Washington, 1972
Oceanographic Institute of Washington, Survey of Marine Boat Launching and
Moorage Facilities in Washington, 1978

Harbor Area Planning Project
Irene Christy
May 21, 1979

SNOHOMISH HARBOR AREA REPORT

Introduction - The City of Snohomish is located in Snohomish County on the Snohomish River. It is southeast of the City of Everett.

The harbor area at Snohomish was established by the Harbor Line Commission in May, 1892.

The harbor area at Snohomish is located on the north and the east side of the Snohomish River. The outer harbor line was located parallel to and 50 feet from the high tide line. The inner harbor line was then drawn 50 feet landward as measured at right angles from the outer harbor line.

There is no public port district in Snohomish.

Present Uses - The Department of Natural Resources holds one lease and one easement in the Snohomish harbor area, both lease and easement are with the City of Snohomish. The leased area is used for a boat launch and the easement is for a water pipeline. The boat launch uses .21 acres of harbor area and the easement uses .02 acres of harbor area. There is no charge for the easement and there is a charge of \$63.00 annually for the boat launch ramp. There are 20 acres in the Snohomish harbor area.

Physical Characteristics - The city of Snohomish is located at a bend in the Snohomish River. The area around the harbor area is designated flood plain in the 1995 Community Development Policy Plan for the City of Snohomish.

Future Demands - The 1995 Plan for the City of Snohomish states: "The City should encourage the private development and/or the use of available federal and state grants and revenue to construct and maintain wharfs, piers and a boat launch or marina along the Snohomish River." The boat launch area will be built in the southwest corner of the City of Snohomish.

Analysis (Conflicts/Needs)

1. Little use will be made of the Snohomish harbor area.
2. The Harbor Line Commission might need to consider disestablishment of the Snohomish harbor area.

Harbor Area Planning Project
Irene Christy
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Interviews:

Tim Motzer, Planner, City of Snohomish

Materials in file of Snohomish harbor area

Maps by Department of Natural Resources, Department of Transportation
inventory sheet
Data Processing sheets
1995 Community Development Policy Plan for the City of Snohomish
Portion of 1972 Harbor Area Study relating to Snohomish

Bibliography:

1995 Community Development Policy Plan for the City of Snohomish
Harbor Line Commission, Attorney General, Department of Ecology of the
State of Washington, Harbor Area Study, A Report to the Legislature,
1972

Rents by Classifications in Snohomish harbor area

By Trusts: #25 (100% of rent to DNR)	\$63.00
By Present Classifications: Other Water Dependent or Water Oriented Uses	63.00
By Adjusted Classifications: Water Oriented, Public Uses	63.00
By Data Processing Categories: 071 Other Governmental Recreation Sites	63.00

Harbor Area Planning Project
Irene Christy
December 13, 1978

STEILACOOM HARBOR AREA REPORT

Introduction - Steilacoom is located in Pierce County situated south of the City of Tacoma and the Tacoma Narrow Bridge.

Harbor lines were established at Steilacoom in 1891. The outer harbor line was located in water deeper than 30 feet and parallel to and 400 feet offshore in Puget Sound from the government meander line, except for approximately the northerly 5,000 feet where it was moved out to 600 feet from the meander line. The inner harbor line was then located coincident with the government meander line.

The inner harbor line was relocated and first class tidelands were created in front of the Town of Steilacoom in 1965. The widest point in the relocation was approximately 200 feet and the relocation ran for almost 1,400 feet.

The Steilacoom harbor area comes under the jurisdiction of the Port of Tacoma.

Present Uses - There are seven leases and one easement in the harbor area in front of the City of Steilacoom and one mile beyond the city limits.

Total acres leased amount to 15.65 acres out of a total of 235 acres included in harbor area at Steilacoom. A small portion of harbor area is used with approximately 220 acres unleased.

Net rent collected by the Department of Natural Resources from these leases is \$3,124.70, with 15.65 acres leased, this amounts to \$199.66 annual average income per acre. Total rent charged for the harbor area leases is also \$3,124.70.

Major activities in the harbor area are the Washington State Ferry Terminal, which includes a ferry to McNeil Island, a marina and a sand and gravel operation. New pilings were being placed at the terminal in December, 1978. The harbor area was expanded, in 1977, to include this improvement at the ferry terminal.

Physical Environment - Railroad tracks run along the coastline the length of the harbor area with residences and wooded area upon the hillsides above the train tracks.

Harbor Area Planning Project
Irene Christy
Page 2

Future Demands - There are no plans for new development at this time.

Analysis (Conflict/Needs) - None.

Interviews:

Don Mosman, Deputy Executive Director, Port of Tacoma
Gary Kucinski, Planner, Port of Tacoma
County Planner, Pierce County Planning Department

Materials on File:

Maps by Department of Natural Resources
Harbor Area Study, 1972, information on Steilacoom Inventory Sheet
Rents detailed by classifications
Data processing sheets on each lease
Marina locations in Steilacoom, Oceanographic Institute of
Washington, 1978

Bibliography:

Harbor Line Commision, Attorney General and Department of Ecology,
State of Washington, Harbor Area Study, A Report to the 43rd
Legislature, 1972.
Oceanographic Institute of Washington, Survey of Marine Boat Launching and
Moorage Facilities, Seattle, 1978

Various Methods of Stating Rent in Steilacoom Harbor Area

Rent to DNR from harbor area leases	\$3,124.70
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By Trusts:

#25 (100% of rent to DNR)	3,124.70
#26 (20% of rent to DNR)	---
#27 (80% of rent to DNR)	---
#19 (beds in front of harbor area, 100% to DNR)	---
	<hr/> 3,124.70

By Present Classifications:

A Water Dependent Commerce	2,824.70
B Water Oriented Commerce	---
C Other Water Dependent & Water Oriented Commerce	300.00
D All Other Uses	---
	<hr/> 3,124.70

By Adjusted Classifications:

1 Water Dependent Uses, Primary	2,446.70
2 Water Dependent Uses, Secondary	378.00
3 Water Oriented Uses, Public Uses	---
4 Water Oriented Uses, Industrial	300.00
5 All Other Uses	---
	<hr/> 3,124.70

By Data Processing Categories:

0071 Other Governmental Recreation Sites	---
0140 Non-Commercial Aquatic Sites	---
0160 Marina Services	378.00
0180 Transportation Facilities	1,196.70
0181 Processing, Mfg. Uses	---
0182 Aquatic Non-Water Related Use	---
0190 Log Booming & Rafting	---
0231 Waste Treatment Outfalls	200.00
0248 Roads, Bridges, Ferry Terminals	1,250.00
0252 Sewer Lines & Outfalls	100.00
4032 Materials Removal	---
	<hr/> 3,124.70

Harbor Area Planning Project
Irene Christy
1/2/79

TACOMA HARBOR AREA REPORT

Introduction

Tacoma Harbor is located in Pierce County on Commencement Bay. Commencement Bay is approximately two miles wide with a water depth of 560 feet at the entrance. Seven waterways and the mouth of the Puyallup River have been dredged in this tidal plain with dredged spoil material used for reclamation of adjacent land areas.¹

This deepwater port is served by three transcontinental railroads and connects with both north - south and east flowing freeways.

Harbor lines extend from just south of Day's Island, north past Point Defiance Park, down into Commencement Bay. The harbor area ends at Blair Waterway rather than extending to the city limits because county lines have moved north around Dash Point. The land north of the present harbor area is used for harbor area - designated purposes - log rafts, marinas and storage of barges.

The harbor area was established on September 5, 1894. The outer harbor line was located in water having a depth of 45 feet at low tide. The inner harbor line was then drawn parallel to and 300 feet landward to the outer harbor line except for a length 1¼ miles on the southwest side of Commencement Bay. There the width of the harbor area was reduced to 100 feet and then increased to 600 feet for the remaining area.

The harbor area was relocated waterward in the vicinity of the Town of Ruston and Point Defiance Park in 1961. The state, the Metropolitan Park District and the Tacoma Yacht Club became aware of the fact that the area leased to the yacht club by the Park District, including a spit formed by slag dumped by the Tacoma Smelter, was waterward of the outer harbor line. The Harbor Line Commission relocated the harbor area and created new tidelands over which the state had full ownership and included previously developed improvements within the newly created harbor area.

Portions of Blair Waterway, formerly called the Port Industrial or Wapato Waterway, were vacated in 1953. A portion of the Puyallup Waterway was vacated in 1949.

Approximately 1,100 feet of Day Island Waterway was vacated in 1919.

A portion of the Puyallup Waterway was vacated in 1949. Wilton Waterway was vacated in 1931.

Harbor lines were relocated in front of the grain terminal on Bayside Drive in 1973; mapped in 1977. A Supplemental Map of City Waterway, Tacoma Tidelands, shows two harbor areas were established in portions of City Waterway in 1976. A public place was established at the same time and shows on the same map. A corrected Supplemental Map of City Waterway, Tacoma Tidelands, was drawn in 1978. Harbor line corrections were made at that time.

¹U.S. Army Corps of Engineers, The Ports of Tacoma, Grays Harbor, & Olympia, Washington, Port Series No. 35, Revised 1975, U.S. Government Printing Office, 1975. p.1.

The Tacoma harbor area comes under the jurisdiction of the Port of Tacoma.

Present Uses

The Department of Natural Resources presently holds 30 leases in the harbor area in Commencement Bay and around the shoreline past Point Defiance Park, City of Tacoma, County of Pierce. Total acres leased are 166 acres. Total acres included in harbor area are approximately 560 acres. This is approximately 33 percent of the harbor area. The balance of harbor area is withdrawn from use or is unused.

Net rent collected by Department of Natural Resources from these leases is \$69,980.38. With 166 acres leased, this amounts to approximately \$421.00 per acre annual income for harbor area leases in the Tacoma harbor area. Total amount charged for harbor area leases amounts to \$71,440.27.

The Port of Tacoma, which has the responsibility to provide space for shipping facilities and industrial use, is the second largest public port district in Puget Sound and in the state. The port has facilities to handle any kind of cargo from containerized general cargo to break bulk as well as logs, grain, dry and liquid bulk commodities. Tacoma's facilities provide for the discharge of alumina into two large domes and for the discharge of bulk ores for shipment via rail. The grain terminals are located in Commencement Bay; one along Bayside Drive and the other on Blair Waterway. A large smelter is situated on Ruston Way. The smelter is one of the few copper refineries on deep water so they receive ore from many parts of the world.

Uses within the harbor area include grain terminals, smelter, a herring pen, boat-houses, sewer lines and outfalls, portion of a paper mill, log pond, oil handling, several marinas, boat repair, log rafting, restaurant, fire boat dock and station, and a public ferry dock.

Physical Environment

Shoreline designation for the shorelines of the City of Tacoma is "urban" from the smelter, in the Town of Ruston, north and east through the industrial area to the northern city limits. This includes the area north of the Hylebos Waterway along Marine View Drive where there is no harbor area. It was designated urban because of its close proximity to existing urban development and because of its potential for deep draft terminal facilities.²

At Point Defiance Park from the northern edge of Salmon Beach housing to the present northern limit of beach fill at Owens Beach is designated a "natural" environment. This area consists of beach and steep bluffs. The remaining areas of Owens Beach and Point Defiance Park are designated "conservancy" because of the public oriented recreational nature. This area contains a public beach,

--²-----
Tacoma Master Shoreline Program, Revised August, 1976.

boathouse, restaurant and shops, a public ferry landing, and a private yacht club.²

The area from the southern extent of Titlow Park (6th Avenue extended) to the northern end of Salmon Beach is an area of steep slopes. Railroad tracks occupy nearly the entire length of the area at the water's edge. The harbor area from Day's Island to the commercial uses in Point Defiance Park is withdrawn from use by action of the Harbor Line Commission.

Tacoma has a deepwater harbor with water depths in excess of 100 feet within 1,000 feet of the periphery of the Commencement Bay shoreline. Vessels are authorized to anchor outside of the outer harbor line in Commencement Bay. However, the bay is considered too deep for convenient anchorage.

Future Demands

When discussing long range plans - up to 50 years - Port of Tacoma personnel stated that they would be interested in filling in and developing harbor area between Blair, Sitcum and the Puyallup River because the tidelands and uplands are port owned property. The area directly landward of the harbor area south of Puyallup River is not port owned.

The port would like to fill between the Hylebos and Blair Waterways, which is not harbor area. They would also like to fill, some time in the future, the Milwaukee Waterway and out in front of that site, which is harbor area.

The possibility of extending harbor lines north in front of Hylebos and up past there was discussed with port personnel. The state grants leases for bedlands for log rafts, marinas and storage of barges in the area. The port is not interested in the establishment of a harbor area for that area.

A portion of the north side of City Waterway is leased for bulk terminals and oil handling facilities. If the oil terminals are moved or the leases are given up, the port would consider buying the land. They would not be interested in establishing harbor lines here either even though two harbor areas recently were established in portions of City Waterway.

The desirability of changing the constitutional restriction of 30 years on leases of harbor area land was discussed. Port officials believe extending length of leases could be beneficial.

A two-year baseline study of Commencement Bay has begun by a committee of local, state and federal agencies. The U. S. Army Corps of Engineers will act as the lead agency. The information will be put on the City of Tacoma's data processing system so the information can be used by many planning agencies.³

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²Tacoma Master Shoreline Program, Revised August, 1976.

³Commencement Bay Study Meeting, March 22, 1979, at U. S. Corps of Engineers office, Seattle

Analysis (Conflicts/needs)

1. The port would like to fill in some areas included in the harbor area designation eventually.
2. Extension of the harbor area north might be deemed desirable. Present uses coincide with harbor area uses and it would limit the extent to which barges could be moored and marinas could be built. County and city lines were moved but harbor lines were not extended at that time.
3. A National Guard pier was located between Blair and Hylebos Waterways. The port purchased the land. If harbor lines were extended past that area, the lines would have to be moved waterward because the port owns most of that property. Only the tip of the pier is located on state land and that is leased from Department of Natural Resources.
4. Harbor lines are not always consistent with pierhead or bulkhead lines. An attempt might be made to coordinate these lines. Inner and outer harbor lines often serve a similar purpose; that is, to restrict filling to the bulkhead and inner harbor lines and to extend piers to the pierhead and outer harbor lines.
5. The baseline study of Commencement Bay will include studying the effects of the two disposal sites in the harbor and consideration of relocation of the City Waterway Channel. If the channel is to be relocated or abolished, it will have to be presented to Congress in the form of a study resolution. The city is considering requesting extending the new harbor areas in City Waterway or establishing more harbor areas there.

Harbor Area Planning Project
Irene Christy

VARIOUS METHODS OF STATING RENT IN TACOMA HARBOR

By Trusts:

#25 (100% of rent to DNR)	\$61,392.22
#26 (20% of rent to DNR)	2,756.00
#27 (80% of rent to DNR)	5,692.16
#19 (bed in front of harbor area, 100% to DNR)	50.00
	<u>\$69,890.38</u>

By Present Classifications:

Water Dependent Commerce	\$27,500.70
Water Oriented Commerce	37,940.93
Other Water Dependent and Water Oriented Commerce	3,448.75
All Other Uses	-----
	<u>\$69,890.38</u>

By Adjusted Classifications:

Water Dependent Uses, Primary	\$14,986.30
Water Dependent Uses, Secondary	12,514.40
Water Oriented Public Uses	2,850.00
Water Oriented Industrial Uses	37,207.93
All Other Uses	-----
	<u>\$69,890.38</u>

By Data Processing Categories

0071 Other Governmental Recreation Sites	\$ 2,850.00
0140 Non-Commercial Aquatic Use - Single Use Dock	4,700.16
0160 Marina Services	12,514.40
0180 Transportation Facilities	23,531.89
0181 Processing, Activities Requiring Waterfront Location	18,135.00
0182 Aquatic Nonwater Related Use	498.75
0190 Log Booming and Rafting	7,560.18
0231 Waste Treatment Outfalls	100.00
	<u>\$69,890.38</u>

Harbor Area Planning Project
Irene Christy
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Interviews:

Don Mosman, deputy executive director, Port of Tacoma
Gary Kucinski, planner, Port of Tacoma
County Planner, Pierce County Planning Department
City Planner, Tacoma Planning Department

Tacoma Harbor Area file, available for perusal:

Maps by DNR, Corps of Engineers, City of Tacoma Shoreline Master Program,
DNR Marine Atlas
Harbor Area Study, 1972, A Report to the Legislature, by the Harbor Line
Commission, Dept. of Ecology, Attorney General, and Dept. of Natural
Resources
Summary of Inventory Sheets (work sheets) for Tacoma Harbor Area
Rents detailed by classifications
Port Series #35, U. S. Army Corps of Engineers, 1976, specific information
on the uses in Tacoma Harbor
Data processing sheets on each DNR lease
Marina locations from study by Oceanographic Institute of Washington, 1978
Master Program for Shoreline Development, Portion from Tacoma, Wash.,
revised 1976
Reid, Middleton & Associates, portion on Port of Tacoma, Inc., Port
Systems Study, Vol. 11, Technical Supplement/Port 2, Edmonds, Wash.,
March, 1975

Bibliography:

Port Series No. 35, U. S. Army Corps of Engineers, The Ports of Tacoma,
Grays Harbor, and Olympia, Wash., 1975, U. S. Government Printing Office
Harbor Area Study, A Report to the 43rd Legislature, 1972, by the Harbor
Line Commission, Dept. of Ecology, Attorney General, and Dept. of
Natural Resources
Shoreline Master Program for City of Tacoma
Survey of Marine Boat Launching and Moorage Facilities in Washington, by
Oceanographic Institute of Washington, Seattle, Wash., Aug. 18, 1978
Reid, Middleton and Associates, Inc., Port System Study, Vol. 11,
Technical Supplement/Part 2, Edmonds, Wash., March 1975.
G. R. Haab, Refinery Manager, Sound Refining Co., Tacoma. Speech given
at Oil Forum 3/24/79.

Harbor Area Planning Project
Irene Christy
February 23, 1979

VANCOUVER HARBOR AREA REPORT

Introduction

Vancouver is located on the north bank of the Columbia River just above the confluence of the Columbia and Willamette Rivers. The harbor is 97 nautical miles from the Pacific Ocean and 13 nautical miles north of Portland, Oregon.¹

Harbor area was established in front of the City of Vancouver in 1892. The outer harbor line was located in water having a depth of about 10 feet at low tide. The inner harbor line was then located parallel to and 150 feet landward. The harbor area varies from a minimum of 50 feet to a maximum of approximately 250 feet.

The map extending harbor lines one mile beyond the westerly and the easterly city limits was adopted in 1944.

The outer harbor line needs to be relocated to meet the federal pierhead line along portions of the harbor area to cover existing improvements built in the 1930's and 1940's plus a new dock presently being built. This area is west of the railroad bridge. An addition to the law granting authority to the Harbor Line Commission to relocate harbor lines was enacted by the Legislature in 1977 enabling the Commission to relocate harbor lines at Vancouver.

Harbor lines need to be relocated east of the railroad bridge at the same time to include two structures built out past the outer harbor line. One structure is used for receipt and shipment of bulk cement and receipt of petroleum products. The other is a floating offshore wharf for receipt of wood pulp and fuel oil for plant consumption.²

City limits were extended by annexing land west of the city up to the end of the present harbor area.

-
1. Reid, Middleton and Associates, Inc., Edmonds, Washington. Port System Study for the Public Ports of Washington State & Portland, Oregon. 1975 - The Port of Vancouver, in their brochure Port of Vancouver, Washington, USA states it is 106 river miles from the Pacific Ocean. The Corps of Engineers, U. S. Army, in The Ports of Coos Bay & Astoria, Oregon, Longview & Vancouver, Washington, & Ports on Columbia River, Port Series No. 33, Revised 1975, states that Vancouver is 92 nautical miles from the Pacific Ocean.
 2. Corps of Engineers, U. S. Army, The Ports of Coos Bay & Astoria, Oregon, Longview & Vancouver, Washington, & Ports on Columbia River, Port Series No. 33, Revised 1975.

Present Uses

There are 17 leases in the harbor area in front of the City of Vancouver.

Total acres leased amount to 43.70 acres out of a total of 85 acres in the harbor area of Vancouver. This is about half of the harbor area. The balance of the harbor area is unoccupied. The outer harbor line will be relocated in front of port leased aquatic land up to the railroad bridge. The area originally proposed to be relocated amounts to 23.65 acres. Additional acreage will be added with extension of the relocation of the outer harbor line east of the railroad bridge.

Net rent collected by the Department of Natural Resources from the leases is \$13,333.64. With 43.70 acres leased presently, this amounts to approximately \$305.00 per acre annual income for harbor area leases in Vancouver. Total rent charged amounts to \$26,586.00.

The Port of Vancouver has become the cargo exchange terminal for river barges and ocean vessels because it is the farthest deep-water port upstream on the Columbia River. No ocean vessels go past the railroad bridge but there is barge traffic to the river barge ports on the Columbia and Snake Rivers as far inland as Lewiston, Idaho.

The Port of Vancouver handles the following cargo: alumina, cement, dry bulk material, grain, logs, paper products, petroleum products, steel products and modules, and wood pulp.

The harbor area is leased for the loading of dry bulk cargo, cement and fuel, for a turning basin and moorage area, for access, barge loading and unloading, ways for launching offshore drilling rigs, restaurant and hotel, transmission lines, sewer outfalls and effluent discharge pipelines.

Terminal 2 is a multi-purpose terminal 1,640 foot long which can provide berthing space for four ocean going vessels. A grain elevator is on the east side of Terminal 2 and an oil dock on the west side. Downstream from the oil dock a new dock is being built to handle ocean-going vessels.

The oil dock facility is leased and operated by three oil companies. It is used for receipt and shipment of petroleum products by multi-use river barges which carry wheat downstream and oil upstream on the Columbia River. Pipelines extend from the dock to storage tanks.

The grain elevator dock³ has two berths just west of the railroad bridge. Facilities at the grain elevator complex store grain transported by rail, truck or barge and loads into ocean-going vessels. Surface railroad tracks connected to the Burlington Northern railway system serve a car dumper and car pits.

3 Reid, Middleton & Associates, Inc., Edmonds, Washington, Port System Study for the Public Ports of Washington State & Portland, Oregon, Volume II, 1975.

No marinas are in Vancouver harbor area and the port has no plans for building any at this time.

The new dock, conveyor system and rail spur will serve a dry-bulk facility. The facility will handle primarily ammonia sulphate, a variety of fertilizers, alumina, bauxite and zircon sand.⁴

Physical Environment

The main Columbia River Channel is dredged and maintained at a 40 foot depth and a 600 foot width. At Vancouver the channel widens to form an 800 foot wide and one mile long waterway, called the Lower Turning Basin just downstream from the railroad bridge. This basin provides deep-water access for ocean-going vessels to Terminal 2 and to the grain elevator. This Lower Turning Basin has a maintained minimum depth of 40 feet. Tides have a range of about 2 feet.

A second widening, the Upper Turning Basin, is downstream from the Interstate 5 bridge. This has served Terminal 1, which is no longer used as a marine terminal but rather is used as commercial waterfront for a restaurant and a hotel. The main deep-water channel ends here.

Anchorage generally used are Vancouver Lower and Upper Anchorages. The Lower Anchorage is in the Columbia River just southeastward of the confluence of the Columbia and Willamette Rivers and to the southwest of the dredged channel. The Upper Anchorage which can hold eight to ten vessels, is in the Columbia River just northwest of the railroad bridge and to the southwest of the Vancouver Lower Turning Basin. Anchorage is in the Willamette River at Portland and is available in case of emergency or during inclement weather.⁵

The Vancouver harbor is served by three transcontinental railway systems; Burlington Northern, United Pacific and the Milwaukee Road. Vancouver is the transfer and switching center for the three major rail lines and can hold in excess of 1,500 cars. The rail yard is located just north of the Port's Terminal 2.

The Port of Vancouver intersects or is near three major highways. Interstate 5 runs north and south, and Washington State Highway 14 and Oregon State Highway 80 go east.

4 Regional Planning Council of Clark County OEDP Subcommittee, Overall Economic Development Plan, 1978 Update.

5 The Port System Study, prepared by Reid, Middleton and Associates, Inc., 1975, states: No defined areas have been designated as anchorage grounds at the Port of Vancouver. Anchorage may be obtained near the outer edge of the channel providing the center of the fairway is not obstructed.

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There is a 20 minute drive from the Port of Vancouver to the Portland International Airport.

Future Demands

A new 500 foot wharf is being built now in the Terminal 2 complex. This should be completed in the next few months. Long term future plans call for expansion of this new wharfing area another 1,500 feet toward the railroad bridge. Relocation of harbor lines will encompass this expansion in the harbor area.

Further plans for future expansion of Terminal 1 call for continuing the present non-water oriented uses.

The Port is considering purchasing farmland along the Columbia waterfront for future development for navigation and commerce including a pier. This area would be outside the harbor area even when the harbor area is extended to one mile outside present city limits.

Analysis (Conflicts/Needs)

Certain actions need to be taken to legalize structures already built or presently being built that are outside the outer harbor lines.

1. Relocate the outer harbor line from the east line of harbor area Lease #2147 to the present northwesterly end of the harbor area to coincide with the federal pierhead line with one minor exception.
2. Extend the harbor area to the constitutionally designated one mile past city limits on the northwestern limits of the City of Vancouver.
3. Charge a Use & Occupancy fee for the structures being built and those already built in past years.
4. Charge the U & O fee from February 7, 1979, up to the time the harbor line is relocated and the leases are signed and takes effect. February 7, 1979, is suggested because that is the date Bill Johnson, Frank Hansen and I met with Bill Clocksin, Port Manager, and Art Klosterman, port auditor, in port offices to discuss the problem.
5. The port is contemplating buying waterfront property northwest of the city for future terminal and back up space. Consider the advisability of recommending to the port that they seriously consider building a new pier in a harbor area rather than in the proposed site.

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Various Methods of Stating Rent in Vancouver Harbor

By Trusts

#25 (100% of rent paid to DNR)	\$ 6,456.80
#26 (20% of rent paid to DNR)	3,108.84
#27 (80% of rent paid to DNR)	3,668.00
#19 (100% of rent paid to DNR)	100.00
	<u>\$13,333.64</u>

By Present Classifications

Water Dependent	\$ 8,845.64
Water Oriented	525.00
Other Water Dependent or Water Oriented Use	3,963.00
All other uses	-----
	<u>\$13,333.64</u>

By Revised Classifications

Water Dependent, Primary	\$ 8,845.64
Water Dependent, Secondary	525.00
Water Oriented, Public Use	-----
Water Oriented, Industrial Use	295.00
All Other Uses	3,668.00
	<u>\$13,333.64</u>

By Data Processing Categories

0140 Non Commercial Aquatic Uses	\$ 296.64
0160 Marina Services	-----
0180 Transportation Facilities	9,269.00
0181 Processing-Manufacturing Use	-----
0182 Aquatic Non-Water Related Use	3,668.00
0231 Waste Treatment Outfalls	100.00
	<u>\$13,333.64</u>

Interviews:

Bill Clocksin, Manager, Port of Vancouver
Art Klosterman, Auditor, Port of Vancouver
Richard Gorini, Planner, Port of Vancouver
Rich Hines, Planner, Clark County Planning Department

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